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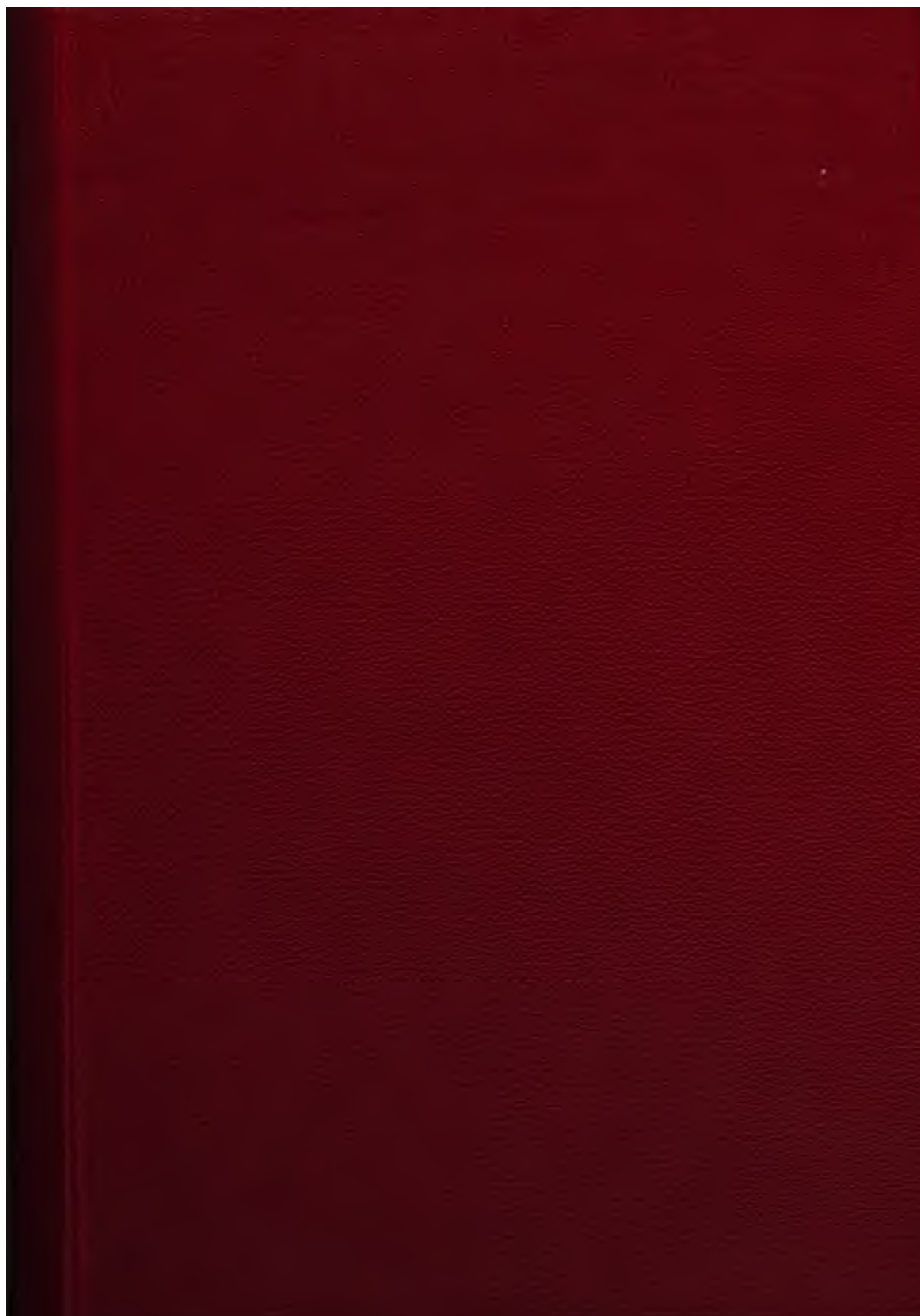
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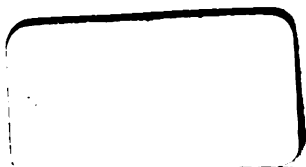


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17

# STATUTES

OF THE

## PROVINCE OF QUEBEC,

PASSED IN THE SESSION HELD IN THE

THIRTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE FOURTH SESSION OF THE FIRST PARLIAMENT,

BEGUN AND HOLDEN AT QUEBEC, ON THE 3<sup>d</sup> DAY OF NOVEMBER, IN THE YEAR OF OUR LORD ONE  
THOUSAND EIGHT HUNDRED AND SEVENTY.



CANADIAN  
+ LAW +  
LIBRARY

THE HONORABLE SIR NARCISSE FORTUNAT BELLEAU, KNIGHT,  
LIEUTENANT-GOVERNOR.

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QUEBEC:  
PRINTED BY CHARLES FRANÇOIS LANGLOIS,  
PRINTER TO HER MOST EXCELLENT MAJESTY THE QUEEN.

ANNO DOMINI, 1870;

**CATALOGUED**

Room 175 0

24721

UNIVERSITY OF LONDON  
W.C.1.

20 MAR 1952

INSTITUTE OF ADVANCED  
LEGAL STUDIES

WAS  
+ WAS  
MAR 1952





ANNO TRICESIMO-QUARTO,

## VICTORIÆ REGINÆ.

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### C A P. I.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the financial year ending on the thirtieth day of June, one thousand eight hundred and seventy-two, and for other purposes connected with the Public Service.

*Assented to 24th December, 1870.*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS, it appears by messages from the Honorable Preamble.  
Sir Narcisse Fortunat BELLEAU, knight, lieutenant governor of this province of Quebec, and the estimates accompanying the same, that the sum hereinafter mentioned is or may be required to defray certain expenses of the government of this province, not otherwise provided for, for the financial year ending on the thirtieth day of June, one thousand eight hundred and seventy-two, and for other purposes connected with the public service: may it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislature of Quebec, that :

1. From and out of the consolidated revenue fund of \$1,868,431.54 this province, there shall, and may be paid and applied, a sum not exceeding in the whole one million, eight hundred and sixty-eight thousand four hundred and thirty-one dollars and fifty-four cents, for defraying the several applied to certain purposes mentioned in schedule.

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Room 175 0

24721

UNIVERSITY OF LONDON  
W.C.1.

20 MAR 1952

INSTITUTE OF ADVANCED  
LEGAL STUDIES

+ WALSLEY  
WALSLEY  
MAR 1952



ANNO TRICESIMO-QUARTO,

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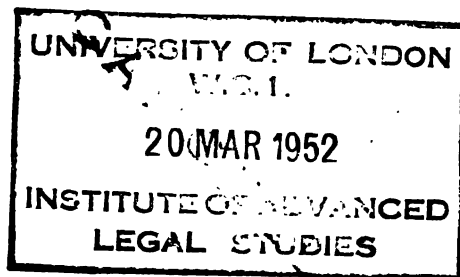
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**CATALOGUED**

Page 175 0

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+ W.A.S. 1952



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## SCHEDULE—Continued.

SERVICE.	—	—	TOTAL.
	\$ cts.	\$ cts.	\$ cts.
Brought over.....			302,381 00
III. ADMINISTRATION OF JUSTICE, &c.			
Administration of Justice.....		208,786 00	
Police, (covering statutory appropriation and including Special Police under 33 Vic., cap. 24.....)		54,000 00	
Reformatory St. Vincent de Paul; Maintenance.....		32,614 00	
Prison Inspection.....		4,000 00	
			389,400 00
IV. EDUCATION, &c.			
<i>Education.</i>			
<i>(Covering Statutory Appropriations.)</i>			
Superior Education.....	71,000 00		
Common Schools.....	129,000 00		
Schools in poor Municipalities.....	8,000 00		
Normal Schools.....	40,000 00		
Salaries of School Inspectors.....	20,600 00		
Books for prizes.....	2,500 00		
Journals of Education.....	2,400 00		
Superannuated Teachers.....	4,850 00		
		278,350 00	
<i>Literary and Scientific.</i>			
Medical Faculty, McGill College, Montreal.....	750 00		
School of Medicine, do .....	750 00		
Natural History Society, do .....	750 00		
Montreal Historical Society, do .....	400 00		
Literary and Historical Society, Quebec.....	750 00		
Aid towards publication of <i>Le Naturaliste Canadien</i> .....	200 00		
		3,600 60	
<i>Arts and Manufactures.</i>			
Board of Arts and Manufactures.....		3,000 00	
			284,950 00
V. AGRICULTURE, IMMIGRATION AND COLONIZATION.			
Agricultural Societies, &c., (covering statutory appropriations).....	52,000 00		
Board of Agriculture.....	8,000 00		
Agricultural Schools, two French and one English.....	2,400 00		
		62,400 00	
Carried forward.....		\$62,400 00	976,731 00

## SCHEDULE.—Continued.

SERVICE.			TOTAL.
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....		62,400 00	976,731 00
V. AGRICULTURE, IMMIGRATION AND COLONIZATION.— <i>Continued.</i>			
Immigration.....		20,000 00	
Colonisation.			
Colonisation Societies; (covering statutory appropriations)....	25,000 00		
Colonisation Roads, 1st class.....	115,000 00		
do 2nd do .....	15,000 00		
do 3rd do .....	10,000 00		
Colonisation Railways; (covering statutory appropriations.)	45,000 00		
St. Anne des Monts to Fox River Road (Gulf Coast Road).	4,000 00		
		214,000 00	296,400 00
VI. PUBLIC WORKS AND BUILDINGS.			
Rents, Insurances, Repairs, &c., of Public Buildings generally.....		30,700 00	
Inspection and Surveys.....		4,000 00	
Reformatory, St. Vincent de Paul; to complete aqueduct and for the purchase of materials for utilizing the labor of prisoners.....		5,000 00	
St. John's Lunatic Asylum, repairs, to construct out-houses and fences.....		5,000 00	
Public Departments; towards erection or purchase of buildings (being one-third of estimated cost).....		50,000 00	
Montreal Court House, for new floors and house for Engineer, &c.....		2,500 00	
Montreal Registry Office, ; to purchase or build, on condition that the city of Montreal gives an equal amount.....		8,000 00	
Bridge at Portage du Fort; provided \$8,000 are furnished by Dominion, and \$5,000 by private parties.....		4,000 00	
<i>Chargeable to the Building and Jury Fund for each District concerned.</i>			
Rents of Court Houses and Gaols.....	1,120 00		
Insurance of do .....	3,000 00		
Repairs of do .....	7,550 00		
Montreal Gaol; to erect new buildings .....	40,000 00		
Do. do. heating apparatus, ventilation, kitchen range and increasing the height of surrounding walls and \$1,000 for workshops.....	19,000 00		
Carried over.....	\$70,670 00	109,200 00	1,273,131 00

## SCHEDULE.—Continued.

SERVICE.	—	—	TOTAL.
	\$ cts.	\$ cts.	\$ cts.
Brought over.....	70,670 00	109,200 00	1,273,131 00
VI. PUBLIC WORKS AND BUILDINGS.—Continued.			
Court House and Gaol in County of Bonaventure; to construct a new building.....	6,000 00		.
Court House and Gaol in County of Gaspé; to construct a new building .....	6,000 00		
Quebec Gaol; to make alterations as recommended by the Inspectors, for the purchase of a kitchen range and of materials for utilizing the labour of prisoners.....	8,000 00		
Quebec Court House; to enlarge the same.....	7,000 00		
Sherbrooke New Gaol; to construct right wing and wood-sheds	10,000 00		
Court Houses and Gaols, New Districts; to complete surrounding walls.....	15,000 00		
VII. CHARITIES.			
Beauport Lunatic Asylum.....	105,500 00	122,670 00	231,870 00
St. John's do .....	20,000 00		
Marine and Emigrant Hospital, Quebec.....	4,000 00		
Miscellaneous.			
Corporation of the General Hospital, Montreal...	4,000 00	129,500 00	
Deaf and Dumb Institution, Catholic, do ...	3,000 00		
Do. do. Protestant, do ...	1,000 00		
Indigent Sick, do ...	3,200 00		
St. Patrick's Hospital, do ...	1,600 00		
Scours de la Providence, do ...	1,120 00		
St. Vincent de Paul Asylum, do ...	600 00		
Protestant House of Industry and Refuge, do ...	800 00		
St. Patrick's Orphan Asylum, do ...	640 00		
University Lying-in Hospital, do ...	480 00		
Magdalen Asylum, (Bon Pasteur) do ...	720 00		
Roman Catholic Orphan Asylum, do ...	320 00		
Scours de la Charité, do ...	800 00		
Do. do. for their foundling hospital as long as there is none in Quebec) do ...	400 00		
Protestant Orphan Asylum, do ...	640 00		
Lying-in Hospital, care Scours de la Miséricorde, do ...	480 00		
Carried forward.....	19,800 00	129,500 00	1,505,001 00



1870.

Supplies.

Cap. 1. 9

## SCHEDULE.—Continued.

SERVICE.	—	—	TOTAL.
	\$ cts.	\$ cts.	\$ cts.
Brought forward.....	12,800 00	129,500 00	1,505,001 00
VII. CHARITIES.—Continued.			
Bonaventure Street Asylum, Montreal ...	430 00		
Nazareth Asylum for the Blind and for Destitute children, do ...	830 00		
Dispensary, do ...	320 00		
Ladies' Benevolent Society for Widows and Orphans (including late House of Refuge), do ...	850 00		
Home and School of Industry, do ...	320 00		
St. Bridget Asylum, do ...	300 00		
Frères de la Charité de St. Vincent de Paul, do ...	300 00		
Hospice de Bethléem, do ...	300 00		
Hospice de la Miséricorde, Fullum Street, do ...	200 00		
Charitable Ladies Association of the Roman Catholic Orphan Asylum, Québec...	800 00		
Indigent Sick, do ...	3,200 00		
Asylum of the Good Shepherd, do ...	800 00		
Hospice de la Maternité, do ...	480 00		
Ladies' Protestant Home, do ...	420 00		
Male Orphan Asylum, do ...	420 00		
Finlay Asylum, do ...	420 00		
Protestant Female Orphan Asylum, do ...	420 00		
St. Bridget Asylum, do ...	500 00		
Canada Military Asylum, do ...	160 00		
Dispensary, do ..	200 00		
Indigent Sick, Three Rivers.....	2,500 00		
General Hospital, Sorel.....	500 00		
St. Hyacinthe Hospital, St. Hyacinthe.....	500 00		
Hospice Youville, St. Benoit.....	200 00		
Asile de la Providence, Côteau du Lac...	200 00		
Hospice St. Joseph, Beauharnois.....	200 00		
Hospice St. Marie, Ste. Marie de Monnoir	200 00		
Asile de la Providence, Mascouche.....	200 00		
Carried over.....\$	35,970 00	129,500 00	1,505,001 00

## SCHEDULE.—Continued.

SERVICE.	—	—	TOTAL.
	\$ cts.	\$ cts.	\$ cts.
Brought over.....	35,970 00	129,500 00	1,805,001 00
VII. CHARITIES.—Continued.			
Hôpital St. Jean, St. Jean.....	200 00		
Hospice La Jemmerais, Varennes.....	200 00		
Hospice des Sœurs de la Providence, St. Vincent de Paul..	200 00		
Hôpital de la Providence, Joliette.....	200 00		
Hospice de Laprairie, Laprairie.....	200 00		
Hôpital St. Joseph, Chambly.....	200 00		
Asile de la Providence, Ste. Elizabeth.....	200 00		
Sœurs de la Providence de l'Hospice N.-D. de l'Assomption.	200 00		
Sœurs de la Charité; for founding hospital, Three Rivers.	200 00		
Reformatory Schools.....	5,000 00	37,770 00	
Industrial Schools.....	3,000 00	8,000 00	
VIII. MISCELLANEOUS SERVICES.			175,270 00
Registration Service.....		20,000 00	
Quebec Official Gazette.....		8,200 00	
To meet demands on Municipal Fund (Con. Stat. L. C., cap. 110, sec. 7.) .....		10,216 00	
Arbitration under Constitutional Act.....		5,000 00	
Retiring allowance if found advisable.....		5,000 00	
Enforcement of Game Laws.....		1,000 00	
Miscellaneous.....		20,000 00	
Special Exploratory Survey for continuation of Gosford Road		5,000 00	
IX. COLLECTION, MANAGEMENT AND OTHER CHARGES ON REVENUE.			74,410 00
Surveys .....		24,000 00	
General Expenditure by Crown Lands Department (including Jesuits' Estates, Clergy Lands, Crown Domain, Seignior of Lauson and Woods and Forests.....		54,344 00	
Stamps, Licenses, &c.....		8,000 00	
			86,344 00
Amount of Estimates for year ending 30th June, 1872.....			\$1,841,031 00
To cover special warrants for expenditure already made belonging to fiscal year ended 30th June, 1870. See Public Accounts 1870, page 74.....		27,400 54	

## CAP. II.

An Act to Consolidate and Amend the Law respecting  
Licenses, and the duties and obligations of persons  
bound to hold the same.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of  
the Legislature of Quebec, enacts as follows:

## PART FIRST.

## SPECIAL PROVISIONS.

## TAVERN-KEEPERS AND SALE OF LIQUORS.

## PENAL PROHIBITIONS.

1. No person shall sell, vend or barter by retail, brandy, rum, whisky or any other spirituous liquor, wine, ale, beer, porter, cider or any other vinous or fermented liquor, (all which are included by the words 'spirituous, vinous or fermented liquors,' whenever used in this act) in a less quantity than three gallons or one dozen bottles of not less than three half-pints each, at any one time,—nor shall any person keep any inn, tavern, temperance hotel or other house of public entertainment for the reception of travellers and others, without a license as hereinafter provided for.

2. If any person keeps an inn, tavern, temperance hotel, or any other house or place of public entertainment,—or sells, vends or barbers by retail, brandy, rum, whisky, or any other spirituous liquor, wine, ale, beer, porter, cider or other vinous or fermented liquor, or causes or suffers the same or any of the same to be sold, vended or bartered by retail in his house or premises, or in any boat, barge, craft or other construction, floating on or moored in any river, lake or stream, or in any house, shanty, hut, or other building erected upon any frozen water, without the license required by this act, or contrary to its true intent and meaning,—such person shall incur a penalty of fifty dollars for each such offence, if committed in any organized part of this province, and a penalty of twenty-five dollars, if committed in any unorganized tract and not within the limits of any municipality.

3. If any person not being duly licensed under this act, exposes or causes or suffers to be exposed in any window,

No one to re-  
tail spirituous  
liquors without  
license.

Penalty for  
selling liquors  
without license

Penalty on  
persons not li-

censed exposing liquors, or putting up signs, &c.

door, or other opening of his house or premises, any article, or in, on or near his house or premises any sign, painting, printing or writing of a description or character to induce travellers or others to believe or suppose such house to be a house or place of public entertainment, or that spirituous, or vinous or fermented liquor may be sold, vended or bartered by retail therein, such person shall be liable to a penalty of twenty dollars for each such offence.

Unlicensed persons not to keep liquors for purposes of sale.

4. It shall not be lawful for any person having no license to sell spirituous, vinous or fermented liquor, to keep or suffer to be kept on his premises or possessions, or under his charge, for the purpose of sale by retail, any ale, wine, rum or any spirituous or fermented liquor, or any mixed liquor, a part of which is ale, wine, rum or any spirituous or fermented liquor.

Penalty for infraction of preceding section.

5. Persons offending against the provisions of the preceding section shall incur a penalty of twenty dollars, and the forfeiture of the liquor and vessels containing the same, and the conviction, shall declare such forfeiture, and shall order the said liquor to be destroyed; and on the second or any subsequent conviction for the like offence, the offender, in addition to the forfeiture, but in lieu of the penalty, shall be committed to the common gaol of the district for the space of three calendar months.

Penalty on persons selling on board steamboats, &c., without license.

6. Every owner, master or person in charge of a steamboat or vessel, who retails or barter, or allows to be retailed, vended, or bartered, any spirituous, vinous or fermented liquor, on board such steamboat or vessel, without having previously obtained a license, shall be subject to a penalty of fifty dollars, for each and every offence.

#### CONDITIONS PREVIOUS TO OBTAINING LICENSE.

#### *Houses of Public Entertainment.*

Certificate necessary to obtain a license to keep a tavern.

7. No license shall be granted to any person for keeping, in any organized part of this province, an inn, tavern, or other house or place of public entertainment, other than a temperance hotel, unless the person applying for the same produces to the revenue officer a certificate signed by twenty-five or a majority of the municipal electors of the parish, township or town, or of the ward of the city, in which such house of entertainment is situate, and confirmed, after due deliberation, by the municipal council of the parish or township, or of the city, town or village within the limits of which such inn, tavern, or house or place of public entertainment is intended to be kept, in the form of the schedule (B) annexed to this act, and signed by the mayor and secretary or clerk of such council—or confirmed under section twelve.

Form.

8. Every such certificate shall set forth that the applicant is a subject of Her Majesty,—that he is personally known to the signers thereof,—that he is honest, sober and of good repute,—and that he is a fit and proper person to keep a house of public entertainment;—and every such certificate shall also state, if it refers to country parts, that a house of public entertainment is needed at the place where it is intended to be kept, and that the house for which a license is desired contains the accommodation required by this act;—and such certificate shall be accompanied by an affidavit from the person applying for the same, that he is duly qualified according to law to obtain such license; which affidavit shall be in the form (A) annexed to this act.

What shall be set forth in the certificate.

9. In every such certificate within a city, and also in every license granted in virtue of such certificate, the ward of the city, and the name of the street to which the same relates, shall be stated; and the same shall be null and void and of no effect whatever beyond the limits of the said ward.

Ward of city in which it relates to be stated in license.

10. In the cities of Montreal or Quebec, the municipal electors who sign the certificate must be persons actually domiciled in the ward, and having their names inscribed as such on the municipal voters' list then last made and completed.

Formalities requisite to obtain a license in Quebec or in Montreal.

11. The council to which any such certificate is presented for confirmation, shall enquire and ascertain whether or not the same be in fact signed by the requisite number of municipal electors, and in default of the same being so signed, shall withhold its confirmation thereof.

Duty of City Council as regards certificate.

And such council shall exact proof on oath made before one of the members thereof, of the authenticity of such signatures respectively, and of their being those of such persons as are required to sign the same.

Proof of signatures.

12. If on the day appointed for holding a meeting of a municipal council there be no *quorum* present, any certificate in the said form (B) by this act prescribed, submitted to such council for confirmation on such day, may be confirmed by the mayor of such municipal council and two justices of the peace not being municipal councillors, residing in the county where the house for which such certificate is granted, is situated;—and in case of a vacancy in the office of mayor, by any three such justices of the peace; and such council or such mayor and justices, or such justices, as the case may be, may refuse to confirm any such certificate, if he or they see fit so to do.

Confirmation of certificate.

13. In the city of Montreal, the powers and duties conferred and imposed upon the council by sections seven and eleven concerning the examination and confirmation or rejection of such certificates, shall be exclusively exercised

Special provisions for confirmation of certificates in Montreal.



and performed by a board of license commissioners to be composed of the recorder, the police magistrate, the coroner and the chairman of the police committee, who, for the performance of such duty, shall each be paid by the corporation, the sum of two hundred dollars yearly. All proceedings of the said board, in relation to such certificates, shall be signed and concurred in by a majority of the members composing the same, and shall be reported to the city clerk, and the adjudication of the board shall be final.

\$8 payable for confirmation in Quebec and Montreal.

**14.** The sum of eight dollars shall be payable to the corporations of the cities of Quebec and Montreal respectively, for every confirmation of a certificate for obtaining a license to retail spirituous liquors within the said cities.

Bond to be entered into to Her Majesty conditioned for payment of fines.

**15.** Before any license shall be granted for keeping an inn, tavern, temperance hotel, or any house or place of public entertainment, the person applying for the same shall enter into a bond to Her Majesty, in the sum of two hundred dollars, with two good and sufficient sureties in the sum of one hundred dollars each, conditioned for the payment of all fines and penalties such person may be condemned to pay for any offence against the provisions of this act, or of any act, ordinance or provision of law, relative to houses of public entertainment then or thereafter to be in force, and to do, perform and observe all the requirements thereof, and to conform to all rules and regulations that may be established by competent authority in such behalf;—and such bond, to be drawn in the form expressed in the schedule (C) annexed to this act, shall be executed in the presence of, and the sureties shall be approved of by one or more of the municipal councillors or justices who confirmed the certificate, which bond, with the certificate and affidavit required by this act, shall be filed in the office of the revenue officer.

Form of Bond.

In case a person licensed dies or removes before expiration of his license.

**16.** If any person so licensed under this act dies before the expiration of his license, or removes from his house, such person, his assigns, or legal representatives, may transfer such license to any other person, who, under such transfer, may exercise the rights granted by such license, until the expiration thereof, in the house and premises for which such license was granted, or, if the person licensed resided in an organized part of the province, in such other place within the municipality as the municipal council or the license commissioners may approve of and is mentioned in the certificate hereafter mentioned in this section.

Transferee of license to produce certificate, &c.

**2.** But no such transfer shall have any effect whatever unless the person in whose favor it is made, if he resides in an organized part of the province, produces to the revenue officer a certificate, and enters into a bond, with sureties, such as was required of the original holder of such license, and unless such transfer is en-

dorsed on the license by the revenue officer; and if no such transfer is executed and endorsed as aforesaid within three months after the death or removal of the original holder of the license, the license shall be null and void.

17. No municipal councillor or elector, being a common brewer, distiller or retailer of any spirituous liquors, or keeper or proprietor of any house or place of public entertainment, shall sign any certificate for a license for any inn, tavern, or house or place of public entertainment, or for the transfer of a license for any such house or place of public entertainment, under a penalty of fifty dollars for each such offence.

Certain persons disqualified from signing certificate.

Any person who knowingly signs any certificate for a license or for the transfer of a license, without being duly qualified to do so, shall be liable to a penalty of twenty dollars for each such offence.

18. No license to sell spirituous vinous or fermented liquor in quantities less than three half-pints shall be granted in any city to any grocer or to any keeper of any store or shop for the sale of groceries, provisions, confectionery, or fruit; nor shall any application for such license by any such grocer, or store or shopkeeper be approved by the municipal council or license commissioners of such city.

Penalty on signing when not qualified.

### *Steamboats, &c.*

19. Every owner, master, or person in charge of any steamboat or vessel, who intends to retail or allow to be retailed spirituous, vinous or fermented liquor, on board such steamboat or vessel, shall, upon applying for the same and paying the duty and fee thereon, receive from the proper revenue officer a license for such purpose, without entering into the bond hereinbefore required for keeping a house or place of public entertainment.

Steamboat owners, &c., may obtain licenses.

### *Stores or Shops.*

20. The conditions prescribed by sections seven, eight, eleven, twelve and thirteen, with regard to certificates and the confirmation thereof shall apply *mutatis mutandis* to the obtaining of any license for retailing in any shop, store or place, spirituous, vinous or fermented liquor, in quantities not less than three half-pints, except that instead of the signatures of twenty-five or a majority of the municipal electors, the signature of one municipal elector shall suffice.

Conditions for issuing shop licenses.

21. The proper revenue officer shall, upon production of a certificate duly confirmed as hereinabove prescribed, and upon receipt of the duty and the fee hereinafter mentioned, issue to any person applying for the same, a license for retailing in any one shop, store or place, to be accu-

Licenses to be issued on fulfilment of conditions.

rately designated in such license, spirituous, vinous or fermented liquor, in quantities of not less than three half-pints at any one time and not to be drunk on the premises.

#### OBLIGATIONS AND RESTRICTIONS ON PERSONS LICENSED.

##### *Houses of Public Entertainment.*

What accommodation for travellers must be provided at every inn.

**22.** Every licensed inn or tavern, temperance hotel or house of public entertainment, situate in a village or in the country parts, shall contain at least three rooms, with at least one good bed in each, for the accommodation of travellers, in addition to those used by the family;—and the keeper of every such inn, tavern, temperance hotel, or other house of public entertainment, shall have a stable adjacent or attached to such house, with convenient stalls for at least four horses, and shall be constantly supplied with a sufficient quantity of provisions, and of hay and oats, for travellers and their cattle;—And in default of any one or more of the foregoing requirements, the keeper of such house shall be liable to a penalty of twenty dollars.

License to be exhibited to Officer when required; and a sign to be kept up.

**23.** The keeper of every licensed inn, tavern, temperance hotel or other house or place of public entertainment, shall, at all times on demand, exhibit his license to the revenue officer, his deputy or deputies, and shall cause the same to be constantly exposed to public view in the bar-room, or, in the case of a temperance hotel, in the hall or entrance room, in a conspicuous place and manner to the satisfaction of the revenue officer, and shall also cause to be painted in legible characters of not less than three inches in height, and of proportionate width, immediately over the door of such house, his name at full length, with the following words in addition, as the case may be: "licensed to retail spirituous liquors," "licensed to retail wines and fermented liquors," "licensed to keep a temperance hotel;"—and whenever such house is situate in country parts, the keeper thereof shall also expose or cause to be exposed, and keep so exposed, during the whole time of the duration of his license, a like sign in letters not less than four inches in height, and of proportionate width, in a conspicuous place near the house, to indicate the same to travellers,—and shall, in default of complying with any of the foregoing requirements, incur a penalty of twenty dollars for each offence.

Penalty.

Keepers of inns to keep orderly houses, and prevent gambling therein; certain restrictions on sale of liquors.

**24.** The keeper of every licensed inn, tavern, temperance hotel, or other house or place of public entertainment, shall keep a peaceable, decent and orderly house, and shall not knowingly suffer any person resorting to his house to play any game whatsoever at which money or any thing which can be valued in money shall be lost or won;—No keeper of any house licensed to retail

spirituous liquor, or vinous and fermented liquor, shall keep more than one bar or sell any such liquor in more than one house, or vend at any time any such liquor to any intoxicated person, nor to any soldier, seaman, apprentice or servant, knowing him to be such, on any day after eight o'clock in the afternoon in winter, and nine o'clock in the afternoon in summer, under a penalty of twenty dollars for each offence; and no person licensed to sell spirituous, vinous or fermented liquor shall sell or deliver any such liquor to any minor under the age of sixteen years, or shall allow any such liquor to be sold or delivered to or to be drunk by any such minor in any place or premises kept by such person, under a penalty of fifty dollars for each offence.

25. In all places where by law intoxicating liquors or any particular description or descriptions of such liquors, are allowed to be sold by retail, no sale or other disposal of such liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person whomsoever, from the hour of eleven on Saturday evening, till the hour of five on the Monday morning thereafter,—except in cases where a special requisition for medicinal purposes, signed by a licensed medical practitioner, or by a justice of the peace, is produced by the vendee or his agent; nor shall any such liquors be permitted to be drunk in any such place, except by travellers or by persons *bona fide* resident, lodging or boarding thereat during the time prohibited by this section for the sale of the same.

No liquors to be sold between certain hours from Saturday till Monday.

Exceptions as to travellers or medicinal purposes.

2. For every offence under this section, a penalty of not less than ten nor more than fifty dollars, with costs, shall, in case of conviction, be incurred by the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy, of such place or places, and who are found by himself, or herself, or themselves, or his, her or their servants or agents, to have committed or aided in committing such offence.

Penalty for offences against this section.

26. No keeper of a tavern, dramshop, saloon or other house or place of public entertainment whatever, whether licensed or unlicensed, shall keep open such tavern, dramshop, saloon or other house or place of public entertainment, or shall permit tippling or drinking of intoxicating liquor therein, after the hour of twelve o'clock at night and before the hour of five o'clock in the morning, between the twenty-first day of March and the first day of October, and after the hour of eleven o'clock at night, and before six o'clock in the morning, from the first day of October to the twenty-first day of March; and upon conviction of such offence, such keeper of a tavern, dramshop, saloon, or other place of public entertainment as aforesaid, shall be liable to a penalty of not less than ten nor more than twenty dollars.

Taverns, &c., to be closed between certain hours.

Penalty for refusing to receive travellers.

**27.** No person holding a license to keep an inn, tavern, temperance hotel, or other house of public entertainment, shall refuse to receive and accommodate any traveller without just cause, under a penalty of twenty dollars for each offence.

Keepers of temperance hotels to prevent spirituous liquors being drunk on their premises.

**28.** If any keeper of a licensed temperance hotel knowingly suffers any spirituous, vinous or fermented liquor to be drunk in the house or on the premises thereto belonging;—or if any keeper of a licensed inn, tavern or other house or place of public entertainment, not licensed to retail spirituous liquors, knowingly suffers to be drunk any spirituous liquor within such house, or any out-building, or in any part of the premises belonging to such inn, tavern, or house or place of public entertainment, he shall be liable to a penalty of twenty dollars for each such offence.

Police officers, &c., duly authorized may enter any licensed tavern, &c.

**29.** Any police officer or constable being thereto authorized in writing, as hereinafter is provided, and any revenue officer, may at any time enter into any licensed inn, tavern, temperance hotel or other house or place of public entertainment, and any person being therein or having charge thereof, who refuses, or after due summons fails, to admit such revenue officer, police officer or constable into the same, or offers any obstruction to his admission thereto, shall be liable to a penalty of not less than ten nor more than fifty dollars for every such offence.

Who may give such authority.

**2.** Any revenue officer or any two or more justices of the peace may grant such authorization to avail within any city, town, township, parish, or incorporated village, or any place or tract therein designated and being within the jurisdiction of such justices, or officer, for any term of time therein specified, not exceeding three months;

How it may be cancelled.

**3.** The justices of the peace, or revenue officer, who granted such authorization, or any one or more of them, may at any time cancel the same, by a written order to that effect under their or his hand, delivered to such police officer or constable; and any police officer or constable acting and assuming to act under any authorization after the same has been so cancelled, shall incur a penalty of forty dollars.

Penalty for acting under it afterwards.

Licenses may be revoked.

**30.** If any person licensed under this act to keep an inn, tavern, temperance hotel, or other house or place of public entertainment, is convicted of any breach or non-fulfilment of the requirements of this act, or of any felony, the convicting justice, if a district magistrate, or the court, or in the city of Montreal, the license commissioners, may cancel and revoke the certificate upon which a license was granted to such person, and the revenue officer when notified to that effect by the justices, or the clerk of the court, or the clerk of the city, as the case may be, shall annul

the said license, and if such person, after being duly notified of such annulment of his license, continues to keep open a house of public entertainment, or retails any spirituous, vinous or fermented liquor, such person shall be liable to the pains and penalties imposed on persons for keeping a house of public entertainment, or for retailing such liquors without license.

### *Stores and Shops.*

**31.** If any person holding any license to sell spirituous, vinous or fermented liquor in any shop, store or place, but not to keep a house of public entertainment, sells any such liquor in quantity less than three half-pints, or allows any such liquor to be drunk within such shop, store or place, or on the premises appertaining to the same, either by the purchaser of such liquor or by any person not residing with or in the employ of the person holding such license,—or sells any such liquor in any quantity less than three gallons in any shop, store or place not designated in such license, or sells or delivers to any minor under the age of sixteen years, any such liquor,—such person shall be liable to a penalty of fifty dollars for every such offence.

Penalty on persons holding shop licenses, selling less than three half-pints, or allowing liquor to be drunk on the premises.

**32.** The owner or keeper of every such shop or store shall cause to be painted in legible characters, immediately over the door of such shop or store, his name at full length, with the addition "LICENSED WINE AND SPIRIT STORE," and shall cause his license to be constantly exposed in a conspicuous place and manner within such shop or store, and shall allow the Revenue Officer, his deputy or deputies to have free access thereto at all reasonable hours, under a penalty of twenty dollars for each offence.

Person holding shop licenses to have signs.

**33.** If any person who has purchased any spirituous, vinous or fermented liquor, in any shop or store, licensed only as mentioned in section thirty-one, drinks the same or any part thereof, or allows the same or any part thereof to be drunk in the said shop or store, or in any house, out-buildings, or premises appertaining thereto, such person shall be liable to a penalty of ten dollars for each such offence.

Penalty on purchaser drinking liquor in shops

### *Steamboats.*

**34.** If the owner, master or person in charge of any steamboat or vessel allows any spirituous, vinous or fermented liquor to be sold on board such steamboat or vessel during the time the same shall be laid up in winter, he shall be liable to a penalty of forty dollars for each offence, notwithstanding his having obtained a license under this act.

Liquor may not be sold on steamboats while laid up in winter.

Municipal by-laws not to affect sale of liquor in steamboats.

2. And such license shall not be effected by any municipal by-law prohibiting the sale of spirituous, vinous or fermented liquor in any municipality through or in which such steamboat or vessel may pass or be.

#### LIABILITIES RESULTING FROM IMPROPER SALE.

Liability of inn-keepers or persons in their employ, &c., who give liquor to persons who become intoxicated and commit suicide or perish from cold, &c.

**35.** Whenever in any inn, tavern, or other house or place of public entertainment, or wherein refreshments are sold, or in any place wherein intoxicating liquor of any kind is sold, whether legally or illegally, any person has drunk to excess of intoxicating liquor of any kind, therein furnished to him, and while in a state of intoxication from such drinking has come to his death by suicide, or drowning, or perishing from cold, or other accident occasioned by such intoxication, the keeper of such inn, tavern, or other house or place of public entertainment, or wherein refreshments are sold, or of such place wherein intoxicating liquor is sold, and also any other person or persons who, for him or in his employ, delivered to such person the liquor whereby such intoxication was caused, shall be jointly and severally (*solidairement*) liable to an action as for personal wrong, if brought within three months thereafter, but not otherwise, by the legal representatives of the deceased person; and such legal representatives may bring either a joint and several action against them or a separate action against either or any of them, and by such action or actions may recover such sum not less than one hundred nor more than one thousand dollars, in the aggregate of any such actions as may therein be assessed by the court or jury as damages.

Action against them.

Persons who furnish the liquor liable for assault committed by a person thereby intoxicated.

**36.** If a person in a state of intoxication assaults any person, or injures any property, whoever furnished him with the liquor which caused his intoxication,—if such furnishing was in violation of this act, or otherwise in violation of law,—shall be jointly and severally (*solidairement*) liable to the same action by the party injured as the person intoxicated may be liable to; and such party injured, or his legal representatives, may bring either a joint and several action against the person intoxicated and the person or persons who furnished such liquor, or a separate action against either or any of them.

Husband, wife, &c., may notify, sellers of liquor not to furnish it to any person addicted to drinking.

**37.** The husband, wife, parent, brother, sister, tutor, guardian, or employer, of any person who has the habit of drinking intoxicating liquor to excess, or the manager or person in charge of any asylum or hospital or other charitable institution in which such person resides or is kept, or the curator of any interdicted person,—or the parent, brother, or sister, of the husband or wife of such person,—or the tutor or guardian of any child or children of such

person,—may give notice in writing, signed by him or her, to any person licensed to sell, or who sells or is reputed to sell, intoxicating liquor of any kind, not to deliver intoxicating liquor to the person having such habit; and if the person so notified do at any time within twelve months after such notice, either himself, or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner, deliver, or in or from any building, booth, or place occupied by him, and wherein or wherefrom any such liquor is sold, suffer to be delivered, any such liquor to the person having such habit, the person giving the notice may in an action as for personal wrong, (if brought within six months thereafter, but not otherwise,) recover of the person notified such sum not less than ten nor more than five hundred dollars, as may be assessed by the court or jury as damages; and any married woman may notwithstanding article one hundred and seventy-six of the civil code, bring such action in her own name, without authorization by her husband; and all damages recovered by her shall in that case go to her separate use; and in case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives; provided that the identity of the person to whom such liquor is sold be known to the party selling at the time of such sale and delivery.

Liability of  
persons so  
noticed.

Married  
women may  
bring actions  
for damages.

38. Any payment or compensation for liquor furnished in contravention of this act, or otherwise in violation of law, whether made in money or securities for money, or in labor or property of any kind shall be held to have been received without any consideration, and against law, equity, and good conscience,—and the amount or value thereof may be recovered from the receiver by the party who made the same, or, if he be a minor, by his father or tutor, or, if he be interdicted for any cause whatever, by his curator, and all sales, transfers, conveyances, liens and securities of every kind in whole or part made, granted, or given, for or on account of liquor so furnished in contravention of this act, or otherwise in violation of law, shall be wholly null and void, save only as regards subsequent purchasers or assignees for value, without notice; and no action of any kind shall be maintained, either in whole or in part, for or on account of any liquor so furnished in contravention of this act, or otherwise in violation of law.

Money paid for  
liquor sold  
contrary to  
this act may  
be recovered.

### AUCTIONEERS.

#### PROHIBITIONS AND PENALTIES.

39. No person, other than a person licensed for that purpose under this act, shall sell, dispose of, or expose to

No one au-  
thorized to se-



auction unless  
duly licensed. sale at public auction or outcry in this province, any goods, wares, merchandize or effects which are subject to duty under this act.

Penalty on  
persons acting  
as auctioneers  
without a li-  
cense. **40.** Any person who sells or disposes of, by public auction or outcry, any goods, wares, merchandize or effects on the sale of which a duty is by this act imposed, without having a license, as aforesaid, then in force, shall incur a penalty of not less than two hundred nor more than four hundred dollars, for each offence.

#### CONDITIONS PREVIOUS TO OBTAINING LICENSE.

Formality to  
be observed  
before license  
is granted. **41.** No license shall be granted to any person to sell by auction as aforesaid, until such person has entered into recognizance to the Queen, with two good and sufficient sureties before the revenue officer, or before some person by him duly authorized to that effect, in such sum not less than five hundred dollars, nor over two thousand dollars, as the revenue officer under the authority of the treasurer may fix, with condition for the payment of the duty hereinafter mentioned, to the proper revenue officer or to some person by him duly authorized to receive the same; and conditioned also that the person so licensed as an auctioneer shall in all things well, truly and faithfully behave and demean himself according to the true intent and meaning of this act; which recognizance the revenue officer or person taking the same shall cause to be made in duplicate, and one duplicate shall be transmitted to the treasurer, and the other shall be left in the office of the revenue officer; and the revenue officer shall cause any such surety to make oath before him of his sufficiency as such surety.

Conditions of  
recognizance.

#### OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

No assistant,  
&c., to be em-  
ployed unless  
named in  
license. **42.** No licensed auctioneer shall employ any assistant, agent, servant or partner to sell by auction for him, unless his license includes and names such assistant, agent, servant or partner or unless he has obtained a separate license authorizing him to employ such assistant, agent, servant or partner, and any contravention of this section shall be deemed a contravention of section forty and subject him to the same penalty; but any auctioneer changing any assistant, agent, servant or partner named in a license held by him may, on payment of a fee of one dollar to the revenue officer, have the name of such assistant, agent, or partner changed upon his license, and such license shall avail accordingly.

**43.** Except as hereinafter excepted, all goods, wares, merchandize and effects put up to sale at any public auction or

outcry in this province, and sold to the highest bidder, shall be subject to a duty of one dollar for every hundred dollars of the price at which they are sold, and at and after the same rate for every greater or less sum, which duty shall be retained, and paid to the proper revenue officer by the auctioneer by whom the sale is made, out of the proceeds of the sale, in the manner hereinafter mentioned, and at the costs of the seller, unless it be expressly stipulated that the same shall be at the cost of the buyer, and so added to the amount bid by him :

Certain duty to be levied on all goods sold by auction.

But goods or effects belonging to the crown, and all goods or effects seized by any public officer in execution or under process of any court, or as being forfeited, and all goods and effects of deceased persons or appertaining to any dissolution of community, or belonging to any church, or to be sold for religious purposes at any church door, or contributed to any bazaar held for charitable or religious purposes, shall be free from the duty aforesaid, and may be sold by auction without a license ;

Certain goods exempted :

Nor shall any duty be payable on sales by auction for municipal taxes, under the municipal code or any act respecting municipalities ;

Sales for taxes ;

Nor shall such duty be payable on sales by auction, held in the rural districts, but not for trading purposes, either by the inhabitants selling their furniture, grain, cattle and real estate, or chattel property, other than merchandise or stock in trade, when changing their residence or finally disposing of the same ;

Sales in rural districts ;

Nothing in this section shall be held to exempt from the said duty, any sale by auction of goods, effects or property of any kind, belonging to any insolvent's estate, and sold in conformity with the provisions of the Insolvent Act of 1869, or of any act amending or superseding the same.

Insolvent sales subject to duty.

44. Every licensed auctioneer shall, under a penalty of one hundred dollars, enter and keep in a book specially reserved by him for that purpose a detailed statement and account of all sales made by him ; which statement and account shall be made in such manner and form, and shall give such information as the treasurer may from time to time determine or require. Such book shall be open at all times to the inspection of the revenue officer or his deputy or any person authorized by the treasurer to inspect the same, and any auctioneer refusing, preventing, obstructing, or failing to afford any such inspection shall incur a penalty of fifty dollars for each such offence.

Book of statement and account to be kept by auctioneers, under penalty.

45. Every auctioneer, qualified and licensed as in this act is directed, who sells or disposes, by public auction or outcry, of any goods, wares, merchandize or effects, on the sale of which a duty is imposed by this act, shall, within the first ten days of each of the months of January, April,

Quarterly statement of goods sold, to be rendered by each auctioneer.

July and October in each year, pay over to the proper revenue officer or to some person by him authorized to receive the same, all moneys then due by him for duties under this act, and shall furnish to the said revenue officer, or the person so authorized, a true return in writing, signed by such auctioneer or his chief clerk, agent or partner, stating the amount of all goods, wares, merchandize and effects on the sale of which a duty is imposed, by him sold during the period for which no return has been previously rendered, stating also the amount of each day's sale, the amount of each total sale made for any one person, firm or estate, and the name of each such person, firm or estate.

2. If no sale has been made during the said period by such auctioneer he shall make his return to that effect ;

To be duly  
attested.

3. Such return shall, in either case, be attested by the person making the same, on oath (or affirmation) in the following form :—

Oath.

"I, \_\_\_\_\_ do solemnly swear (or affirm) that the  
"return now exhibited by me and to which I have sub-  
"scribed my name is true and correct in every particular,  
"that I have not omitted to give an account of the  
"amount of any goods, wares, merchandize or effects sold  
"by me (or by \_\_\_\_\_ as the case may be) within the  
"time mentioned in the said return, and subject to duty  
"on such sale, and of the days on which the same were  
"respectively so sold, and that I shall true answers make  
"to all such questions as may be put to me concerning the  
"said return ;—So help me God ;"

Before whom.

And the said revenue officer or the person so authorized by him may receive and administer the said oath or affirmation, and may put such questions to the person taking the same as he may think proper touching the said return.

Penalty on  
auctioneers  
neglecting to  
render such  
statement.

46. If any auctioneer refuses or neglects to furnish such return, or to cause the same to be furnished in the manner required by this act, according to the true intent and meaning thereof, or to pay to the proper revenue officer at the times hereby required, all moneys due by him on account of such sales, he shall incur a penalty of twenty dollars for each day during which he shall have so refused or neglected, and the moneys due for any such duties may be recovered with costs, together with and by the same prosecution as the amount of the said penalties; and the said revenue officer may also cause a notice to be inserted in the *Quebec Official Gazette* declaring the person so in default to have forfeited his license as an auctioneer, and such license shall be forfeited accordingly, and shall be thereafter of no effect, nor shall any new license be granted to such defaulter until such forfeiture and debt have been paid and satisfied.

## PEDLERS.

## PENAL PROHIBITIONS.

47. No hawker, pedler, petty chapman, or trading person or persons going from town to town or to other men's houses, and travelling either on foot or with horse or horses, or otherwise within this province, carrying to sell or exposing to sale any goods, wares or merchandise, shall carry on their trade or calling without a license.

*Hawkers, Pedlers, &c., to take out a license.*

48. If any hawker, pedler, petty chapman or other trading person travelling as aforesaid, is found so travelling, without such license as aforesaid, or otherwise than as allowed by such license, he shall, for each such offence, incur a penalty of forty dollars.

*Penalty on Pedlers, &c., trading without license.*

49. Nothing in this act shall render it necessary for persons in the employ of any temperance, benevolent or religious society in this province, to take out licenses as hawkers or pedlers, in order to enable them lawfully to sell and peddle temperance tracts and other moral and religious publications under the direction of such society.

*But employees of Religious or Benevolent Societies need not be licensed.*

2. Nor shall this act prohibit any person from selling any acts of the legislature, prayer books, or church catechisms, proclamations, gazettes, almanacs or other printed papers licensed by authority, or any fish, fruits or victuals, nor hinder any British subject residing within this province who is the real maker or worker of any goods, wares or manufactures, other than drugs, medicaments or patent medicines, or any children, apprentices, agents or servants of such British subject, from carrying abroad, exposing to sale and selling by retail or otherwise, any of such goods, wares and manufactures of his own making, in any part of this province; nor any tinkers, coopers, glaziers, harness menders or other persons whatsoever, usually trading in mending kettles, tubs, household goods or harness, from going about and carrying with them proper materials for mending the same, without having a license as aforesaid; nor shall this act prohibit hucksters or persons having stalls or stands in the markets in the cities or towns, from selling or exposing to sale without having a license as aforesaid, any fish, fruits or victuals, or goods, wares and merchandise, in such stalls or stands, they complying with the rules and regulations of police, established in such towns respecting such stalls and stands by the proper municipal authorities.

*The sale of certain articles exempted from the operation of this act.*

*Act not to extend to sales in town markets, police regulations being complied with.*

50. Nothing herein contained shall prohibit or prevent any such hawker, pedler or petty chapman from having and employing a servant to accompany him, for the sole purpose of carrying or assisting to carry his packages of goods, wares and merchandise, without taking out or pay-

*Pedler, &c., may employ servant.*

ing for a license for any such servant so accompanying him.

#### CONDITIONS PREVIOUS TO OBTAINING LICENSE.

Every Pedler,  
&c., to take the  
oath of allegi-  
ance.

Provido;

**51.** Every person before receiving his license as a hawker, pedler or petty chapman, shall take and subscribe before the clerk of the peace, for the district in which he resides, the oath of allegiance to Her Majesty required by law, which oath the said clerk administers; and for granting a certificate that such oath has been taken, the clerk of the peace shall be entitled to the sum of twenty cents, and no more; but in order to avoid the unnecessary repetition of oaths, if any such person has once taken such oath on receiving a license, he shall not be required to take it again on receiving a renewed license.

#### OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

Penalty on  
refusal to pro-  
duce licenses.

**52.** If any person so travelling with a license, upon demand being made by any revenue officer, justice of the peace, officer of militia, constable or peace officer of the district, county, town or place where he so trades, refuses to produce and shew his license for so trading, or has not his license for so trading ready to produce to such revenue officer, justice of the peace, officer of militia, constable or peace officer, then the person so refusing or not having his license, shall incur a penalty of forty dollars.

Proceedings in  
case Pedler,  
&c., refuses to  
produce his  
license.

**53.** Any revenue officer, officer of militia, constable or peace officer, may seize and detain any such hawker, pedler, petty chapman or other trading person as afore-said, found trading without a license, or who being found trading, refuses or neglects to produce a license, after being required so to do for a reasonable time,—in order to his being carried, (unless in the meantime he produces his license), before two of Her Majesty's justices of the peace, the nearest to the place where such offence is committed, and to his being forthwith prosecuted for such offence; but he shall not be so detained without warrant for a longer period than forty-eight hours.

Goods and  
chattels of  
hawkers, &c.,  
may be detain-  
ed for non-  
production of  
license.]

**54.** Without prejudice to the provisions contained in the foregoing section, any revenue officer or any officer of militia, constable or peace officer may seize the goods and chattels of any hawker, pedler, petty chapman or other person trading without a license, in contravention of this act, or who being found trading refuses or neglects to produce a license after being required so to do, and may keep and detain such goods and chattels in his hands until such license is produced, or until the said goods and chattels are seized and sold under a warrant of

distress, issued in any prosecution brought against the owner thereof, for having so traded without a license. But such goods and chattels shall not be detained for a longer time than forty-eight hours, unless within that time the prosecution is commenced.

**55.** If any person lets out to hire or lends any license to him granted as aforesaid, or trades, with or under colour of any license granted to any other person, or of any license in which his own real name is not inserted as the name of the person to whom the license is granted,—the person letting out to hire or lending any such license, and the person so trading, with or under colour of any license granted to any other person, or any license in which his own real name is not inserted as the name of the person to whom the same is granted, shall each of them incur a penalty of forty dollars. Penalty on hiring or lending a license.

**56.** If any person having a license so to trade, is convicted in Her Majesty's Court of Queen's Bench for Lower Canada, of holding seditious discourses, uttering treasonable words, maliciously spreading false news, publishing or distributing libellous or seditious papers, written or printed, tending to excite discontent in the minds, and to lessen the affections of Her Majesty's subjects, or to disturb the peace and tranquility of this province, his license shall be thenceforth forfeited and void, and he shall be utterly incapable of having any license again granted to him for so trading. and shall also be subject to such other punishment as by law may be inflicted for such offence. Penalty on hawkers, &c., holding seditious discourses.

## BILLIARD TABLES.

### INTERPRETATION.

**57.** The word "billiard-table" in this and the five next following sections shall include every pigeon-hole table, Mississippi-board and bagatelle-board; and any sum or value paid, given, promised or payable for playing on any billiard-table by any person, shall be held to be lucre and gain within the meaning of the said sections. The word "billiard-table."

### PENAL PROHIBITIONS.

**58.** No person, shall, for gain and lucre, erect, set up, continue to keep or maintain, any billiard-table in this province, without being licensed for that purpose, in the manner hereinafter directed; and any person, who erects, sets up or continues to keep and maintain, for lucre or gain, any billiard table, without being licensed as aforesaid, shall incur a penalty of fifty dollars. Penalty on persons keeping billiard-tables for profit without a license.

**59.** Every such license shall be a license for one billiard table only, and shall bear a distinct and separate number. Each license to be for one table only.

## CONDITIONS PREVIOUS TO OBTAINING LICENSES.

Recognizance  
to be entered  
into.

**60.** No such license shall be given to any person, unless he enters into a recognizance to Her Majesty, before the clerk of the peace of the district, with two sufficient sureties (being householders,) jointly and severally, in the sum of two hundred dollars, on the special condition that the person obtaining the license shall not, during the continuance of the said license, knowingly suffer any apprentice, school-boy or servant to play at any billiard-table kept by him, and shall not knowingly suffer any person whatever to play or game at the same for money.

Recognizance  
to remain with  
clerk of the  
peace.

**61.** The recognizance so taken shall remain with the clerk of the district where it is entered into, and such keeper of a billiard-table shall be by him prosecuted whenever required by the revenue officer in case the said conditions are not strictly complied with, or in case of forfeiture of the said recognizance.

## OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

Number to be  
painted or en-  
graved on  
table.

**62.** Every owner or keeper of a licensed billiard-table, shall cause the number of the license, under which he is allowed to keep such table, to be painted or engraved on such table, in such a manner as to remain conspicuously visible; and shall also cause every such license to be hung up in the room in which such billiard-table is placed, so that such license shall at all times be conspicuously visible. Every such owner or keeper of a billiard-table, for every contravention of any of the provisions of this section, shall incur a penalty of fifty dollars, and any person wilfully removing, defacing or concealing any such number so painted or engraved shall incur a penalty of forty dollars.

## FERRIES.

## PENAL PROHIBITIONS.

No one to act  
as a ferryman  
on the St. Law-  
rence without  
a license.

**63.** No person shall act as a ferryman, or shall convey, or cause to be conveyed by any one in his service, any person across the River St. Lawrence, between the City of Montreal and the Parish of Longueuil, or between the said city and Laprairie, or between Lachine and Caughnawaga, without having received a license under the hand of the lieutenant-governor, or of some person by him duly authorized to that effect, to keep a ferry across the said river, for a certain time, at a place and within limits, to be designated in such license,—nor shall the person having received such license, so act as ferrymen. or so convey. or cause to be conveyed,

any person for hire, at any place to which such license does not extend, or beyond the limits mentioned therein, under a penalty of one dollar, for each person so conveyed contrary to the provisions of this act; and of such further penalty as may be fixed by any regulations to be made in the manner hereinafter provided.

**64.** Nothing in the foregoing section shall extend to the owner or master of any vessel plying between two ports in this province, or regularly entered or cleared by the officers of Her Majesty's customs at any such port, or in any way to affect any privilege granted by the legislature either of the late province of Lower Canada or of this province, to the proprietor of any bridge or to any railway company, or other road company.

Foregoing section not to affect certain persons and privileges.

CONDITIONS PREVIOUS TO OBTAINING LICENSE AND OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

**65.** The lieutenant-governor in council may make, and may from time to time repeal or alter such regulations as he deems expedient, for any of the following purposes, that is to say:

Lieut. gov. may make regulations fixing:

*Firstly.* For establishing the extent and limit of all or any such ferries as aforesaid; The limits;

*Secondly.* For defining the manner in which the conditions (including any duty or sum to be paid for the license) under which, and the period for which, licenses shall be granted in respect of all such ferries, or any one or more of them; The conditions;

*Thirdly.* For determining the size and description of the vessels to be used on any such ferries by the persons holding licenses in respect thereof, and the nature of the accommodation and conveniences to be provided for passengers carried in such vessels; Description of vessels;

*Fourthly.* For fixing the tolls or rates at which persons and chattels shall be carried over such ferries, and the manner and places in which such tolls or rates shall be published or made known; The tolls;

*Fifthly.* For enforcing the payment of such tolls or rates by the persons carried, or for whom chattels are carried, over such ferries; And for enforcing the same;

*Sixthly.* For regulating the conduct of persons holding licenses in respect of such ferries, and for fixing the times, and hours and parts of hours, during and at which vessels employed on such ferries shall cross and recross, or depart from either side of any such ferry, for that purpose; Times of crossing;

*Seventhly.* For annulling and declaring the forfeiture of any such ferry license in consequence of the conditions thereof, or any of them, not having been fulfilled; Forfeiture of license;

*Eighthly.* For imposing penalties not exceeding ten dol- Penalties.



lars in any case, for the violation of any such regulation ;— and all such regulations shall, during the time for which they are intended to be in force, have the same force and effect as if contained and enacted in and by this act.

Regulations to be published.

**66.** The provincial secretary shall cause all regulations made as aforesaid to be published in the English and French languages in the *Quebec Official Gazette*, at least three times during the three months following the date thereof, and any copy of the said gazette containing a copy of such regulations, or any of them, shall be evidence of such regulation or regulations.

No license for more than 12 months, except &c.

**67.** No license for any such ferry shall be granted for a longer period than twelve months, except by public competition, and to parties giving such security as may be required by the lieutenant-governor in council, after notice inserted at least four times in the course of four weeks in the *Quebec Official Gazette*, and in one or more newspapers published in the district in which such ferry is situate, and if no newspaper is published in such district, then in the nearest district in which a newspaper is published ; nor shall any such ferry be leased or a license therefor granted for a longer term than ten years at any one time.

Liability of person in charge of ferry.

**68.** The owner, master or person in charge of any vessel used for the purpose of carrying any person or chattel over any such ferry as aforesaid, shall be deemed to have acted as a ferryman within the meaning of this act, and shall be liable to all the penalties hereby imposed if he contravenes this act in so acting.

## P A W N B R O K E R S .

### PENAL PROHIBITIONS.

Pawnbrokers to be licensed, under penalty.

**69.** No person shall exercise the trade of a pawnbroker in this province without a license, and every pawnbroker contravening this section shall incur a penalty of two hundred dollars for every pledge he takes without such license.

Pawnbroker defined.

**70.** Every person who receives or takes, by way of pawn, pledge or exchange, any goods for the repayment of money lent thereon, otherwise than in the ordinary business of banking or the usual course of commercial dealings between merchants or traders, shall be deemed a pawnbroker within the meaning of this act.

### OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

A single license.

**71.** No person shall, by virtue of one license, keep more than one house or shop, or place for taking in goods to pawn.

**72.** Any number of persons carrying on trade as pawn-Partners, brokers in partnership in the same house, shop or place, need only take out a license for one house.

**73.** Every pawnbroker shall have a sign, with his name To exhibit a sign. and the word "pawnbroker" in large legible characters thereon, placed over the door outside of the shop, or other place used by him for carrying on such business.

**74.** In case any pawnbroker neglects to have such sign so Penalty in case of neglect. placed, he shall incur a penalty of forty dollars for every shop or place made use of for one week without having the same so put up.

**75.** Every pawnbroker shall cause to be painted or Rates to be exhibited. printed in large legible characters the rate of profit by law allowed to be taken, and also the various prices of the notes or memorandums to be given according to the rates hereinafter mentioned, and an account of such as are to be given *gratis*, and of the expense of obtaining a second note or memorandum where the former one has been lost, mislaid, destroyed or fraudulently obtained, and shall place the same in a conspicuous part of the shop or place where the business is carried on, so as to be visible to and legible by persons pledging goods.

**76.** Every pawnbroker who takes any goods by way of Entries to be made by pawn-brokers. pawn or pledge whereon a sum above one dollar is lent, shall, before he advances or lends the money thereon, enter in a fair and regular manner in a book to be kept by him for that purpose, a description of the goods received in pawn, pledge or exchange, and the sum lent thereon, with the day and year, and name of the person by whom pawned, and the name of the street and number of the house, if numbered, where such person abides, and whether he be a lodger in or the keeper of such house, by using the letter L if a lodger, and the letter H if a house-keeper, and also the name and place of abode of the owner, according to the information of the person pawning the goods, into all which circumstances the pawnbroker shall enquire of the party before any money is advanced, and if the sum lent does not exceed one dollar, a similar entry shall be made within four hours after the goods have been pawned.

**77.** Every pledge upon which there is lent above two If above two dollars lent. dollars, shall be entered in a book to be kept for that purpose, and to be kept separate from all other pledges, and every such entry shall be numbered in the book progressively as such goods are pawned in the following manner, viz: the first pledge that is received in pawn No. 1, the second No. 2, and so on until the end of the month, and so on in every succeeding month throughout the year, and upon every note respecting such pledge shall be written the number of entry of the pledge so entered in the book aforesaid.

Note to be  
given to the  
pawner.

**78.** At the time of taking any pawn, a note or memorandum, written or printed, shall be given to the person pawning, pledging or exchanging the same, containing a description of the goods pawned, pledged or exchanged, and also of the money advanced thereon, with the day of the month and the year, and the names and places of abode, and numbers of the houses of the parties, and whether lodgers or housekeepers by using the letters aforesaid, and upon such note or memorandum, or on the back thereof, shall be written or printed the name and place of abode of the pawnbroker, which note or memorandum the party pawning the goods is required to take, and unless he takes the same, the pawnbroker shall not receive and retain the pledge.

Fees therefor.

**79.** When the sum lent is under one dollar, the note aforesaid shall be given *gratis* ;

If the sum lent is one dollar or more, and under two dollars, the pawnbroker may take one cent ;

If two dollars or more, and under five dollars, he may take two cents ;

If five dollars or more, and under twenty-five dollars, he may take four cents ;

If twenty-five dollars or more, he may take seven cents.

No charge to  
be made for  
storage of  
pawns.

**80.** No pawnbroker shall make any charge or receive any money or value for the warehouse-room or storage of any property pawned ; and every pawnbroker contravening this section shall incur a penalty of twenty dollars.

The note to be  
afterwards  
produced,

**81.** The note shall be produced to the pawnbroker before he is obliged to re-deliver the goods, except as hereinafter provided.

A duplicate to  
be affixed to  
the goods.

**82.** A duplicate of the said note or memorandum shall be affixed to the goods pledged, and in all cases where goods pawned are redeemed, the pawnbroker shall write or endorse, or cause to be written or endorsed on every duplicate, the profit taken by him for the pledge, and shall keep the duplicate in his custody for one year next following.

If goods are re-  
deemed within  
a year and  
pawnbroker  
refuses to re-  
store.

**83.** In case within one year after any goods have been pawned or pledged for securing money lent, the pawner, or other person on his behalf, tenders to the person who lent the money, the note or memorandum required to be given by this act, and also the principal money borrowed, and the profit according to the rates allowed by-law, and the person who took the goods in pawn neglects or refuses, without reasonable cause, to deliver back the goods so pawned, the pawner may make oath thereof before two justices of the district or county where the offence has been committed, and such justices shall cause such person to come before them, and shall examine on oath the parties

themselves, and such other credible persons as appear before them touching the premises, and if tender of the note or memorandum, with the principal sum lent, and all profit thereon, is proved on oath to have been made within the time aforesaid, then on payment by the borrower of such principal money and the profit due thereon to the lender, and in case the lender refuses to accept thereof on tender before the justices, such justices shall thereupon, by order under their hand, direct the goods so pawned forthwith to be delivered to the pawner, and if the lender neglects or refuses to deliver up or make satisfaction for the goods as such justices order, the justices shall commit him to the common gaol of the district or county where the offence was committed, until he delivers up the goods according to the order, or makes satisfaction for the value thereof to the party entitled to the same.

84. The person who produces the note or memorandum aforesaid and requires a delivery of the goods mentioned therein, shall be deemed the owner, so far as concerns the person who has the goods in pledge, and the pawnbroker, on receiving the principal and profit aforesaid, shall deliver the goods to the person producing the note or memorandum, and he shall be indemnified, unless he has had notice in writing from the real owner not to deliver the goods to the person producing the note or memorandum.

Holder of note  
to be considered  
owner.

85. In case a pawnbroker has had such previous notice, or in case the note or memorandum has been lost, mislaid, destroyed, or fraudulently obtained from the owner, and the goods mentioned therein are unredeemed :

Proceedings if  
pawnbroker  
notified not to  
deliver.

1. The pawnbroker with whom the goods have been pledged, shall, at the request of the person who represents himself as the owner thereof, deliver to such person a copy of the note or memorandum, with the form of an affidavit of the particular circumstances attending the case written thereon, as the same are stated to him by the party applying for the goods ;

2. The person receiving such copy and form of affidavit shall thereupon prove his property in or right to the goods to the satisfaction of some justice of the peace, and shall also make oath to such affidavit, before such justice, of the truth of the particular circumstances attending the case therein mentioned ;

3. The pawnbroker shall then suffer the person proving such property to redeem the goods on leaving such copy of the note or memorandum, and the affidavit with him the pawnbroker ;

4. In case the money lent does not exceed one dollar, the pawnbroker may receive for such copy and affidavit two cents ; if above one dollar, and not exceeding five dollars, four cents ; and if above five dollars, five cents.

When goods  
may be sold.

**86.** All pawned goods shall be deemed forfeited, and may be sold at the expiration of one year from the time of pawning the same, exclusive of the day on which they were pawned.

At public  
auction.

When the sum lent exceeds two dollars, the pawnbroker shall cause the goods to be sold at public auction, and not otherwise.

Before sale,  
goods to be ex-  
posed to view.

**87.** Before such public sale, the goods shall be exposed to public view, and a catalogue thereof published, containing the name and place of abode of the pawnbroker, a description of the goods separately, the month the goods were received in pawn, and the number of the pledge; and an advertisement giving notice of such intended sale, and containing the name and abode of the pawnbroker, and the month the goods were received in pawn, shall be inserted on two several days in some public newspaper, two days at least before the day of sale.

Penalty for not  
properly des-  
cribing.

**88.** In case the goods be not described separately in the catalogue, the pawnbroker shall forfeit to the owner of the pledge not less than eight dollars nor more than forty dollars, to be recovered in the same manner as penalties under this act.

Account of  
sales to be  
kept and  
booked.

**89.** Every pawnbroker shall enter in a book, to be kept for that purpose, a just account of the sale of such goods by auction, expressing therein the day of the month the same were pledged, the name of the person who pledged, the day when, and the money for which each pledge was sold, and the name and abode of the auctioneer.

Disposal of  
surplus.

**90.** In case such goods have been sold for more than was due thereon, and in case of demand within three years after the sale, the overplus shall, after deducting the necessary costs and charges of the sale and catalogues, be paid to the person by whom or on whose account the goods were pawned.

Pawner may  
inspect entries.

**91.** The person who pawned such goods, or the person for whom they were pawned, shall be permitted to inspect the entry made of such sale, on paying five cents for the inspection.

Consequence  
of refusal to  
permit.

**92.** In case the pawnbroker refuses an inspection of such entry to the person who pawned the goods, or to his executor, administrator or assignee, upon the production of the letters testamentary, letters of administration or assignment, or in case the goods were sold for more than the sum entered in such book, or in case the pawnbroker did not make such entry, or did not *bonâ fide* sell the goods according to this act, or refuses to pay the overplus on demand, he shall incur a penalty of forty dollars, and forfeit treble the sum the goods were originally pawned for, to the person by whom or on whose account they were pawned, the whole to be recovered under this act, in the same manner as penalties

**93.** No pawnbroker having goods in pledge shall, either by himself or by any other person for him, except at public auction, purchase such goods during the time they remain in his custody, as a pledge.

Pawnbrokers not to purchase goods except at public auction.

**94.** No pawnbroker shall,—

Restrictions.

1. Purchase, receive or take any goods in pledge, from any person who appears to be under the age of fifteen years, or to be intoxicated with liquor;

2. Nor purchase or take in pawn, pledge or exchange, the note or memorandum aforesaid of any other pawnbroker;

3. Nor employ any servant or other person under sixteen years of age to take any pledge;

4. Nor receive any goods by way of pawn, pledge or exchange, on any Sunday or holiday at any hour, nor, on any other day before eight o'clock in the morning, or after eight o'clock in the evening, except on Saturday evenings, and the evenings preceding Good Friday and Christmas-day, at which last times the pawnbroker may keep his place of business open until ten o'clock in the evening.

**95.** In case it appears or is proved on oath before two justices of the peace, that the goods pawned were sold before the time limited, or have been embezzled or lost, or have become of less value than when pawned, through the neglect or wilful misbehaviour of the pawnbroker or his servants, the justices shall award a reasonable satisfaction to the owner in respect of such damages.

If goods lost or damaged.

**96.** In case the sum so awarded does not amount to the principal and profit due to the pawnbroker, the pawner may pay or tender the balance; and on so doing, the justices shall proceed as if the pawner had paid or tendered the whole money due for principal and profits as aforesaid.

Terms of redemption of such goods—tender of difference.

**97.** In case the satisfaction allowed is equal to or exceeds the principal and profit as aforesaid, the pawnbroker shall deliver the goods so pledged to the owner without being paid any thing for the principal or profit, and also the excess, if any, under a penalty of forty dollars, the whole to be recovered together in the same manner as penalties under this act.

When without any tender.

**98.** When the justices think the production of any pawnbook, note, voucher, memorandum, duplicate or other paper necessary, which is or ought to be in the hands, custody or power of any pawnbroker, they shall summon him to attend with the same, and the pawnbroker shall be bound to produce the same in the state in which it was when the pawn was received, and in case the pawnbroker neglects or refuses to attend or to produce the same in its true and perfect state, he shall, unless he shews good cause to the satisfaction of the justices, incur a penalty of not less than twenty dollars nor more than forty dollars.

Pawnbroker bound to produce.

Books of entry  
to be open to  
inspection of  
revenue officer.

**99.** Every book which any pawnbroker is required to keep by this act and every entry therein shall be open to the inspection of the revenue officer to whom they shall be produced, on demand, by such pawnbroker; and such revenue officer may at any time during business hours enter the shop or office of any pawnbroker and inspect the same and the books therein.

Pena'ty for  
pawning goods  
of others.

**100.** If any person knowingly and designedly pawns, pledges or exchanges, or unlawfully disposes of the goods of any other person, not being employed or authorized by the owner so to do, any two justices of the peace resident nearest to the place where the offence has been committed, may grant their warrant to apprehend the offender; and if he is thereof convicted, he shall incur a penalty of not more than twenty dollars, nor less than four dollars, and shall also forfeit the value of the goods pawned, which value shall be paid to the owner of the goods and may be prosecuted for and recovered, together with and in the same manner as the penalty.

Consequences  
of taking  
goods in pawn  
from journey-  
men.

**101.** If any person knowingly buys, or takes in pawn, or exchange, from any journeyman mechanic, any goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials plainly intended for manufacturing any goods after such goods or materials have been put into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials have been finished for the purpose of wear or consumption, or any goods, materials, linen or apparel which have been entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up, and is convicted thereof, he shall forfeit the sum lent thereon, and forthwith restore the said goods or materials to the lawful owner.

Proceedings  
by owners of  
goods illegally  
pawned.

**102.** If the owner of goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials plainly intended for manufacturing any goods, after such goods or materials have been put into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials have been finished for the purpose of wear or consumption, or of any linen or apparel which has been entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up as aforesaid, or any other goods whatsoever, which have been unlawfully pawned or exchanged, makes out either on his oath or by the oath or solemn affirmation of one witness, before two justices where such offence has been committed, that there is just cause to believe or to suspect that any person has taken to pawn or exchange any such goods without the owner's knowledge, and makes appear probable grounds for such

suspicion, such justices may issue a warrant for searching within the hours of business, the books, house, warehouse or any other place of the person so charged as suspected of having received the same without the privity of the owner, and if the occupier of such place, upon request made to him by any peace officer authorized to search, refuses to exhibit his pledge books, or to open such place as required, to permit search to be made, the peace officer may break open the house, warehouse or other place on the said premises within the hours of business, and search as he may think fit for the goods suspected to be there, taking care to do no wilful damage, and no person shall oppose the same.

**103.** If after such refusal and upon forced search, any goods so pawned or exchanged as aforesaid are found, and the property of the owner is made out to the satisfaction of the justices, by the oath or solemn affirmation of one witness, or by the confession of the person charged, the justices shall cause the goods to be forthwith restored to the owner, and the occupier shall incur a penalty of not less than eight nor more than twenty dollars.

**104.** The provisions of this act in so far as they relate to pawners and pawnbrokers, shall extend to the executors, administrators and assigns of every deceased pawnbroker, and also to the tutor, curator, executors, administrators and assigns of the pawnner, but such tutor, curator, executor, administrator or assign shall not be answerable for any penalty personally or out of his own estate, unless incurred by his own act.

**105.** Every pawnbroker contravening any of the provisions of this act shall, if no other penalty is herein expressly imposed, incur for every such contravention, a penalty of forty dollars.

## GUNPOWDER.

### PENAL PROHIBITIONS.

**106.** No person shall keep or use any powder-magazine for the storage of gunpowder, without previously obtaining a license; and any person keeping or using any powder-magazine without such license shall incur and pay a penalty of five hundred dollars.

**107.** Every building used for the storage or keeping of any quantity of gunpowder exceeding twenty-five pounds in weight shall be deemed a powder-magazine within the meaning of this act.

**108.** No powder-magazine shall be kept within the limits of the cities of Quebec and Montreal, nor within five miles thereof.



License for  
selling gun-  
powder;

Penalty.

Provisions as  
to powder kept  
by persons for  
their own use.

Act not to ap-  
ply to Her  
Majesty.

**109.** No person shall sell, or keep for sale, any gunpowder, unless he has previously obtained a license; and any person who shall at any time sell or keep for sale any gunpowder without such license shall incur and pay a penalty of fifty dollars.

**110.** No person shall keep for his own use and not for sale, or storage in any building other than a powder-magazine, a larger quantity of gunpowder than ten pounds in weight; and every person so keeping any less quantity of gunpowder shall keep the same locked up in a metal box, or case, and at a safe distance from any lamp, candle, gaslight, stove, stove-pipe, fire-place or fire; and any person contravening this section shall be liable to a penalty not exceeding twenty dollars.

**111.** This act shall not apply to nor affect any magazines belonging to Her Majesty, nor to the conveyance of gunpowder and stores to and from Her Majesty's magazines by Her Majesty's forces on military service.

#### CONDITIONS PREVIOUS TO OBTAINING LICENSE.

No license un-  
less magazine  
is of the re-  
quired descrip-  
tion.

Description of  
powder-maga-  
zine.

**112.** No license shall be granted for the storage of gunpowder unless the officer granting the same shall know by personal inspection that the magazine in which the same is to be kept is of the description required by the following section.

**113.** Every powder-magazine shall be of the following description:—

1. It shall be built of stone, of the thickness of at least two feet, and be covered with a fire-proof roof, made of metal and attached to the building by no other means than its own weight;

2. It shall be surrounded, at a clear distance of at least ten feet, by a wall of stone or brick at least ten feet high, coped with stone, and having but one opening, the door in which shall be covered with brass, copper or zinc, and shall be so located as not to face any public road or the side of the magazine in which its entrance is situated;

3. No other material shall have been used in its construction nor in that of the surrounding wall, than stone, brick, copper, brass, wood, glass, tin, slate, zinc, or leather;

4. It shall have but one entrance to which two doors shall be fixed with copper fastenings, one on the inside and the other on the outside of the wall, and both made of or covered with brass, copper or zinc;

5. The floors shall be tongued and grooved, close-jointed and tight, and every portion thereof that can be walked on or stepped upon shall be covered with hides;

6. It shall be furnished with two lightning-rods to be approved of by the revenue officer.

## OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

**114.** No person shall, at any one time, keep for sale or storage in any building other than a powder-magazine a larger quantity of gunpowder than twenty-five pounds in weight; and every person keeping gunpowder for sale shall continually keep designated in a conspicuous manner the part or parts of the building in which gunpowder is placed, and shall keep placed over the entrance to such building a sign bearing conspicuously the words "licensed to sell gunpowder;" and for every day during which any person shall fail to comply with any requirement of this section he shall incur and pay a penalty of fifty dollars.

As to powder kept elsewhere than in magazines.

**115.** The lieutenant-governor in council shall, from time to time, make all necessary regulations, consistent with the provisions of this act, for the receipt, conveyance, storage and delivery of gunpowder.

Lieut.-Gov. in council to make regulations for gunpowder.

**116.** No gunpowder shall be stored, kept, conveyed, received or delivered, except in accordance with the provisions of this act and with the regulations made or to be made in virtue of the last preceding section.

All gunpowder to be subject to such regulations.

**117.** The regulations to be made in virtue of section one hundred and fifteen of this act may impose penalties for all infractions thereof, or for any infractions of the provisions of this act relating to gunpowder, for which penalties are not already imposed.

Regulations may impose penalties; how they may be recovered.

**118.** Every proprietor and every lessee of any powder-magazine shall be personally liable for any penalties imposed for the contravention of any regulation made in virtue of this act, in respect of the conveyance of powder to or from such magazine.

Responsibility of proprietors and lessees of magazines.

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## PART SECOND.

### GENERAL PROVISIONS AND PROCEDURE.

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#### LICENSES, DUTIES AND FEES.

**119.** The lieutenant-governor in council may, from time to time, appoint and authorize any person or persons to sign, or to furnish to the revenue officer any licenses on which any duty or sum of money is payable to or for the benefit of the province, and may in like manner determine the time, manner and form in which such licenses shall be prepared and furnished.

Lieut.-Gov. in council may appoint persons to furnish licenses.

Licenses to be issued by revenue officer.

**120.** All licenses shall be granted under the authority of the lieutenant-governor in council, and the duties thereon shall be paid to, and the licenses shall be issued by the revenue officer of the district in which the licenses are to be used or by his deputy, and for steamboats and other vessels, by the revenue officer or the deputy of the revenue officer of the district in which the owner, master or person in charge of such steamboat or vessel resides, or, in case such steamboat or vessel is owned by a company, of the district in which such company has its principal office or place of business.

Expiration of licenses issued under this act.

**121.** Licenses issued under this act shall expire on the first day of the month of May in each and every year, except such ferry licenses as may have been granted for a longer period under the provisions of section sixty-seven of this act.

Expiration of licenses in force at the time of the passing of this act.

All licenses in force at the time of the passing of this act shall expire on the first day of May next, but every holder of such expiring license, upon taking out a license under this act, shall be entitled to a deduction from the amount payable for the new license, equal to one-twelfth of the sum paid for the expiring license for every whole month during which such expiring license would, without this act, have continued in force.

Lieut.-Gov. may annul licenses in certain cases.

**122.** The lieutenant-governor in council may, at any time, upon complaint made and just cause shewn to his satisfaction, revoke and annul any license granted under this act, and upon being notified through the revenue officer of such annulment, the person holding such license shall be held, in so far as regards the same, to be without license.

Effect of license.

**123.** Every license issued under this act shall specify some certain place or limits, or some certain vessel, within which it shall have force and shall not avail elsewhere.

Fee to revenue officer.

**124.** For every license issued by a revenue officer there shall be paid to such revenue officer, over and above the duty payable therefor, a fee of one dollar, by the person to whom it is issued.

Duties to be paid for licenses :

**125.** There shall be paid to the revenue officer by every person who takes out any of the following licenses the following duties respectively, that is to say :

Tavern for sale of spirituous liquors.

1. For every license to keep an inn, tavern or other house or place of public entertainment, and for retailing brandy, rum, whisky or any spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of fifty-five dollars within the municipal limits of any city, except the cities of Quebec and Montreal, and eighty dollars within each of the said cities ; the sum of forty-four dollars within the municipal limits of any incorporated town ; the sum of thirty-nine dollars, within any organized

portion of the province not within any such city or town, and the sum of nineteen dollars in any unorganized tract not within the limits of any municipality ;

And if the moneys appropriated by the act thirteenth and fourteenth Victoria, chapter ninety-four, towards defraying the cost of the court house at Montreal, should at any time yield less than the amount produced from the same when the fund was so appropriated, the lieutenant-governor in council may increase the rate of duty to be paid for every license to keep an inn, tavern or other house or place of public entertainment for retailing spirituous, vinous or fermented liquors within the county and city of Montreal, to any amount not exceeding, in the whole, one hundred dollars, for each license.

Increase of duties on licenses within county of Montreal.

2. For every license to keep an inn, tavern, or other house or place of public entertainment, and for retailing wine, ale, beer, porter, cider or other vinous or fermented liquors, but not brandy, rum, whisky or other spirituous liquors, within any organized part of this province, the sum of twenty-one dollars; and in any unorganized tract not within the limits of any municipality, the sum of nineteen dollars;

Taverns for sale of wine and beer.

3. For every license to keep a "Temperance Hotel" for the reception of travellers and others, but not for retailing brandy, rum, whisky or other spirituous liquors, nor wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of nine dollars;

Temperance Hotel.

4. For every license to vend or retail in any store or shop, brandy, rum, whisky or other spirituous liquors, and wine, ale, beer, porter, cider or other vinous or fermented liquors, in a quantity not less than three half-pints at any one time, within any organized part of this province, the sum of twenty-four dollars, and in any unorganized tract not within the limits of any municipality, the sum of twelve dollars;

For retailing in a store or shop spirituous liquors.

5. For every license to retail on board any steamboat or other vessel, brandy, rum, whisky or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of thirty-nine dollars;

For retailing in steamboats, &c., spirituous liquors.

6. For every license to retail on board any steamboat or other vessel, wine, ale, beer, porter, cider or other vinous or fermented liquors, but not brandy, rum, whisky or other spirituous liquors, the sum of twenty-one dollars;

For retailing on steamboats wine and beer.

7. For every auctioneer's license the sum of twenty-five dollars, together with an additional sum of fifteen dollars for every assistant, agent, servant or partner named therein;

Auctioneers.

8. For every separate license taken out by an auctioneer for one or more assistants, agents, servants or partners, the sum of fifteen dollars for every such assistant, agent, servant or partner named therein;

Auctioneer's assistant.

9. For every hawker's or pedler's license, for one judicial district only, the sum of ten dollars; and for every additional district, the sum of five dollars;

10. For every billiard table subject to be licensed under this act, when not more than two are kept by the same person, and in the same building, seventy-five dollars each, and when more than two are so kept, for a third and a fourth table sixty dollars each, for a fifth and a sixth, fifty dollars each, and for every table beyond six, thirty dollars each;

11. For every bagatelle-board, pigeon-hole table or Mississippi table, twenty-five dollars;

12. For every pawnbroker's license seventy-five dollars;

13. For every license to keep or use a powder-magazine fifty dollars, and for every license to sell or to keep for sale gunpowder, twenty dollars;

14. For every ferry license such sum as may be fixed by the lieutenant-governor in council under the provisions of section sixty-five of this act.

Lieut.-Gov.  
may reduce  
license duty.

**126.** The lieutenant-governor in council, whenever he deems it expedient, may, by regulation, fix a smaller sum to be paid for any license mentioned in the last preceding section, provided no smaller sum be payable than that imposed by the fifth section of the imperial act, fourteenth George the Third, chapter eighty-eight.

Duty under  
imperial act  
included—

**127.** Any person paying the duty required by this act for keeping a house or place of public entertainment or a temperance hotel, or for retailing wine or brandy, rum or other spirituous liquors, shall be held to have paid the duty imposed by the said fifth section of the imperial act, fourteenth, George the Third, chapter eighty-eight; but if at any time the said imperial act is repealed, no duty imposed by this act shall be reduced by the effect of such repeal.

In case of re-  
peal of impe-  
rial act.

Persons licens-  
ed under this  
act exempt  
from taking  
municipal  
license.

**128.** From and after the passing of this act, and notwithstanding any act of incorporation or any amendment thereof, or any other act whatever, no person licensed under this act shall require to be licensed by any corporation or municipal council, in respect of any act, matter, business or thing which, under this act, he has been licensed to do or carry on.

#### APPLICATION OF DUTIES.

Duties to form  
part of the con-  
solidated re-  
venue fund,  
except:

**129.** All duties collected under this act shall be paid over by the revenue officers to the treasurer of the province, and, saving the provisions of the two next following sections shall form part of the consolidated revenue fund, and any such proportion or amount thereof as the lieutenant-governor in council may, from time to time, allow or order, may be applied, under the direction of the treasurer, for defraying expenses incident to the enforcement of this act or of any act amending the same, and to any prosecutions for breaches thereof.

**130.** Out of every sum received by him for any license mentioned in either of the paragraphs, one, two or three of section one hundred and twenty-five of this act, in favor of a person residing in a township and within a municipality, the treasurer of the province, at such times and in such manner as shall be directed by the lieutenant-governor in council, shall pay over to the treasurer of such municipality the following sum, that is to say, if the license be one mentioned in the said paragraph one, the sum of eighteen dollars, if in paragraph two, the sum of nine dollars, and if in paragraph three, the sum of three dollars and sixty cents.

A certain portion payable to municipalities;

**131.** The application to any fund or purpose whatever of moneys derived from the licenses mentioned in the said paragraphs, one, two and three, shall be subject as to those collected in the county and city of Montreal, to the charges thereon for the court-house at Montreal.

And a certain portion to Montreal court house fund.

## REVENUE OFFICERS.

### THEIR DUTIES, POWERS, &c.

**132.** It shall be the duty of the revenue officer appointed for that purpose, within the revenue district assigned to him, to issue to any person applying for the same, any license authorized by this act whenever such person shall have paid to him the duty and the fee hereinbefore mentioned for such license, and shall have complied with all other previous conditions and requirements prescribed by this act.

Revenue officer to issue licenses when previous conditions are fulfilled.

But the provisions of this section shall be subject to such restrictions upon the granting of such licenses as aforesaid as have been lawfully imposed in any municipality by any by-law not inconsistent with this act, then in force; and no revenue officer shall grant any such license, contrary to the provisions of such by-law, provided a copy thereof has been transmitted by the proper municipal officer to such revenue officer.

Subject, however, to certain municipal restrictions.

**133.** When any by-law, prohibiting the sale of intoxicating liquors, shall have been annulled by a competent tribunal, the revenue officer, for the division concerned, shall not, during the thirty days next after the rendering of the judgment to that effect, grant any of the licenses which were or were intended to be prohibited by the by-law so annulled.

Provision in case any by-law be annulled.

**134.** Notwithstanding anything contained in this act, or in any municipal by-law or resolution, the lieutenant-governor in council may, upon the application of any railway company, authorize the proper revenue officer to issue to such person, at any railway station, as the railway com-

Lieut.-Gov. in council may grant licenses at railway stations.

pany may designate a license to retail spirituous, vinous and fermented liquors to passengers travelling by such railway, but to no one else; and no such person shall be liable to any penalty for anything done under the authority and within the terms of such license.

Provisions  
applicable to  
such licenses.

Sections seven to seventeen inclusively, twenty-two, twenty-five, twenty-six and twenty-seven, of this act, shall not apply to such persons or licenses, but all other provisions of this act shall apply in so far as they are applicable and are not inconsistent with this section.

One license  
only for any  
station.

No more than one person shall be so licensed at any station on such railway.

List of licensed  
persons to be  
published an-  
nually.

**135.** A classified list of all persons licensed under this act shall be published by the several revenue officers once a year, or oftener, at such time or times and in such newspapers as may be directed by the treasurer.

Revenue  
officers to pay  
over moneys  
to treasurer.

**136.** Every revenue officer shall account for and pay over to the treasurer of the province at such times and in such manner and form as the said treasurer shall direct, all moneys received for duties under this act, and all other moneys which, by law, are made payable to the said treasurer or which belong to or form part of the provincial revenue.

Certain state-  
ment to be fur-  
nished by re-  
venue officer.

**137.** In rendering his accounts to the treasurer, every revenue officer, in addition to such other information as he may have been directed to give, shall furnish a statement shewing what moneys he has received for auction duties, and also how many of each of the different kinds of license enumerated in section one hundred and twenty-five of this act have been issued by him, distinguishing those which have been issued to persons residing in unorganized tracts not within any municipality, and those issued to persons residing in townships, and giving in the latter case, the names of such townships.

Revenue officer  
may have a  
deputy.

**138.** Every revenue officer may, with the consent and approval of the treasurer, appoint one or more deputy or deputies for the performance of the duties relating to his office under this or any other act;—and every such deputy as well as such revenue officer, shall take and subscribe the oath prescribed by the ninth section of the treasury department act in the manner provided by the said section.

Oath.

Revenue officer  
to perform  
yearly visits.

**139.** Every revenue officer, either in person or by his deputy, or by some person authorized by him in writing for that purpose, shall visit, once at least in each year, every powder-magazine or place where gunpowder is kept for sale or storage, every pawnbroker's or auctioneer's shop or place of business, every room or place where a billiard-table, pigeon-hole table, Mississippi-board or bagatelle-board is kept for lucre or gain, every steamboat or vessel in which

spirituous, vinous or fermented liquor is sold, every inn, tavern, temperance hotel, and every other house or place of public entertainment within the revenue division for which he is appointed, shall examine the same, and shall endeavour to detect any and every contravention of this act.

**140.** It shall be the duty of the revenue officer to prosecute for such contraventions, whenever the corporation of the municipality shall require it and shall have assumed liability for all costs to be incurred, and it shall also be his duty to bring such prosecution whenever he shall have reason to believe that any offence has been committed against this act, that a prosecution can be sustained, and at least the costs thereof recovered, and he may require or receive from any person desiring him to prosecute a sufficient deposit of money in his hands to cover the probable costs of the prosecution whenever it appears to him probable that his costs could not be recovered from the defendant.

When he shall be bound to prosecute.

**141.** Any revenue officer, or his deputy, may, at all seasonable hours, go on board any steamboat or vessel to examine whether a license be exhibited, and to ascertain whether all other requirements of this act are complied with.

Revenue officer may also inspect steam-boats.

**142.** It shall be the duty of every policeman, and every constable or person authorized in writing by a revenue officer, or by a justice of the peace, is hereby empowered to enter all unlicensed taverns, saloons, dram-shops, houses or places of public entertainment and other like places of common resort, wherein it is suspected that spirituous, vinous or fermented liquors, are kept for sale by retail, and to search for the same, and upon discovery thereof to seize and remove the said spirituous, vinous or fermented liquors, and the vessels containing the same, in order that after conviction had, they may be forfeited and destroyed under the provisions of section five.

Policemen, &c., may enter and examine places suspected of containing liquors.

**143.** Every revenue officer or his deputy, or any person authorized by him in writing, is hereby empowered to enter into any room or place where any billiard-table is kept for hire, profit or gain, and to examine such room or place and the billiard-table or tables therein.

Power to enter billiard rooms and examine.

**144.** If the owner, keeper or person in charge of any place subject to be visited, inspected or entered under this act, refuses admittance to the revenue officer, or to his deputy, or to any person duly authorized by him, or if any person in any way resists, opposes or hinders, obstructs or molests the revenue officer, or his deputy, or such authorized person, or any policeman, in the execution of his duty, such owner, keeper or person shall be liable to a penalty of not more than forty dollars, nor less than eight dollars for each such offence.

Penalty for refusal to admit revenue officer, or molesting him in the exercise of his office.



Protection of  
revenue officer  
in suit brought  
against him for  
things done by  
him in dis-  
charge of his  
duty.

**145.** No action or prosecution shall be maintainable against any revenue officer for anything done by him in the exercise of his office, unless the same is brought within six months after the cause thereof; and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff is non-suited, or discontinues the action, or judgment is given against the plaintiff, the defendant shall receive costs;—and if judgment be given for the plaintiff, and the judge or court before whom the action or prosecution has been tried, certifies that the revenue officer had reasonable grounds for the act or proceeding complained of, the plaintiff shall not be entitled to any costs of suit, nor to more than nominal damages.

His right of  
appeal.

**146.** In every action or prosecution instituted or commenced against any revenue officer for anything done in pursuance of this act, such revenue officer may appeal from the judgment given therein, within three months thereafter, to any court having competent jurisdiction.

Travelling ex-  
penses may be  
allowed to  
revenue officer.

**147.** The lieutenant-governor in council may grant to any revenue officer over and above his salary or remuneration an allowance not exceeding one hundred dollars annually for travelling expenses.

## PROSECUTIONS, &c., FOR OFFENCES AGAINST THIS ACT.

### GENERAL PROVISIONS.

Fees, forfei-  
tures, &c., re-  
coverable as  
penalties.

**148.** All penalties lawfully imposed by any regulations made in virtue of this act, and all duties, fees, forfeitures and damages payable or recoverable under this act or under any such regulations may be sued, or prosecuted for and recovered in the same manner and before the same tribunal as the penalties imposed by this act, unless some other mode of prosecution and recovery has been herein expressly provided.

Limitation of  
suits.

**149.** Any prosecution under any of the provisions of this act, against any auctioneer or pawnbroker, shall be commenced within twelve months, and any other such prosecution within six months after the alleged offence, unless some other limitation is expressly provided by the terms of this act.

C. S. C. c. 103  
to apply to  
certain prose-  
cutions.

**150.** In all such prosecutions brought before two justices of the peace, a judge of the sessions, a recorder, sheriff or district magistrate, the provisions of chapter one hundred and three of the Consolidated Statutes of Canada, in so far as the same have not been repealed by the parliament of Canada, and as they are not inconsistent with the provisions of this act shall apply to all matters not herein expressly provided for.

In all actions or prosecutions under this act brought before the superior court or the circuit court, the law and procedure applicable in such courts to ordinary actions shall, in so far as they are not inconsistent with the provisions of this act, apply to all matters not herein expressly provided for.

Suits before Superior or Circuit Court subject to ordinary rules.

#### WHO MAY PROSECUTE.

**151.** Every action or prosecution for any offence against this act shall be brought by and in the name of the revenue officer appointed under section ten of the treasury department act for the revenue district in which the offence was committed, or by or in the name of the council of the county or local municipality within which the offence has been committed.

Who shall prosecute.

But no such action or prosecution brought by any municipal council, nor any judgment or decision rendered therein, shall avail against or be pleaded in any prosecution brought by the revenue officer, unless the amount of the penalty or forfeiture imposed by this act, or by any regulation made in virtue of this act, shall have been recovered by means of such prosecution by the municipal council, and shall have been paid over to the revenue officer of the district, or unless the defendant has undergone the term of imprisonment required by law in default of such penalty being paid.

Revenue officer may prosecute notwithstanding any other prosecution, unless, &c.

#### BEFORE WHAT TRIBUNAL.

**152.** Unless by the express terms of this act some other tribunal is prescribed, every action or prosecution under this act, when the sum or penalty demanded, or such sum and penalty combined, exceed one hundred dollars shall be brought before the circuit court or the superior court, according to the amount sought to be recovered and the jurisdiction of the said courts, and all other suits or prosecutions may be brought before any two justices of the peace for the district, or a judge of the sessions of the peace, or a recorder, or a police magistrate, or a district magistrate, or, except in the districts of Quebec and Montreal, before the sheriff of the district.

Before whom suits under this act, shall be commenced and prosecuted.

**153.** If any such prosecution be brought before any judge of the sessions of the peace, recorder, sheriff or district or police magistrate, no other justice shall sit or take part therein during the term of office of such judge, recorder, sheriff or magistrate, except with the consent of such judge, recorder, sheriff or magistrate.

No other justice to sit.

2. If such prosecution is brought before any two other justices of the peace, the summons may be signed by one

Signing of summons.

of them ; but no other justice shall sit or take part therein, unless by reason of their absence, or the absence of one of them, nor yet in the latter case, unless with the assent of the other of them.

District magistrates, &c., to have powers of two justices.

**154.** All powers and jurisdictions which under this act are vested in justices or two justices of the peace are likewise vested and may be fully exercised by any one judge of the sessions of the peace, recorder, police magistrate, district magistrate or sheriff, other than the sheriffs of Quebec and Montreal, and, in so far as may be consistently with the terms of this act, all the provisions of this act applicable to justices or to two justices of the peace shall be equally applicable to any one judge of the sessions of the peace, recorder, district magistrate or sheriff, other than the sheriffs of Quebec and Montreal.

In what district suits shall be brought.

**155.** Every action or prosecution under this act must be brought either within the district in which the offence was committed, or in that in which the offender resides, or it may be brought within any district whatever, if the offence has been committed on board any steamboat or other vessel.

#### SERVICES.

How services shall be made.

**156.** Every summons or other process, proceeding or paper, in any such prosecution may be served, by any bailiff, constable or peace officer duly appointed for the district in which the same is brought or by any literate person, by leaving a copy thereof certified and signed by the magistrate or officer who signs the original, with the defendant in person or with a reasonable person of his family at his domicile ; and such service if made by a bailiff, may be certified and proved under his oath of office, and if it has been made by any other literate person, may be proved by a certificate sworn to before any justice of the peace within the district, or by verbal oath before the justices before whom the case is brought.

#### INFORMATION OR COMPLAINT.

In suits negative matter need not be alleged.

**157.** It shall not be necessary in any prosecution brought for any contravention of this act to allege in the information, complaint, or declaration any negative matter, or any matter, fact or thing, the proof of which lies with the defendant.

Several offences may be included.

**158.** Two or more offences, by the same party, may be included in any such complaint, provided the time and place of each offence is stated ; and in that case, any form appended to this act may be altered, so far as need may be, accordingly ;

Proviso : total

**2.** But whatever may be the number of the offences so

included in one complaint, the maximum of penalty im-<sup>penalty limit-</sup>posable for them all shall in no case exceed one hundred <sup>ed.</sup> dollars.

**159.** Any such complaint may be amended before final <sup>Amendment of</sup> hearing, in any matter of form or substance, upon applica-<sup>complaint.</sup>tion to that effect, by or for the prosecutor, and without costs, and on such amendment being made, the defendant (should he require it) may have a further delay to plead to the merits, or for plea and proof, as may be ordered; and if the complaint, in the opinion of the jus-<sup>If adjudged</sup>tices, is so defective that a legal conviction cannot be based <sup>too defective.</sup> upon it, and is not amended, the justices may dismiss the case.

**160.** No such prosecution shall otherwise be dismissed <sup>Not to be dis-</sup>for any defect, informality, error or omission; but if it <sup>missed for</sup> appears that the defendant has been, or may have been, <sup>other informa-</sup>materially misled thereby, the justices may, on such terms <sup>lity, &c., but</sup> as they think fit, adjourn the further proceedings in the <sup>adjudged in</sup>case to a future day. <sup>certain cases.</sup>

#### MODE OF TRIAL.

**161.** All prosecutions under this act, when brought be-<sup>Prosecutions</sup>fore justices of the peace, shall be heard and determined <sup>disposed of</sup>in a summary manner. <sup>summarily.</sup>

#### PROOF AND WITNESSES.

**162.** Such prosecutions may be heard and determined <sup>Prosecutions,</sup>either upon view of the offence by the justices, or upon <sup>how heard and</sup>confession of the defendant, or upon the evidence of one <sup>determined.</sup> or more credible witnesses.

**163.** Any husband may be prosecuted for any contra-<sup>Husband may</sup>vention of this act committed by his wife, whether she be <sup>be prosecuted</sup>a public trader or not, in the same manner and form as if <sup>for offence of</sup>he himself had contravened this act, and proof of the offence <sup>his wife.</sup> having been committed by the wife shall be deemed to be proof of its having been committed by the husband, provided at the time they habitually resided together.

**164.** Every offence prosecuted for under this act, and <sup>The offence</sup>proved to have been committed, shall, unless the contrary <sup>shall be pre-</sup>is proved by the defendant, be held to have been committed <sup>sumed com-</sup>within the district in which the prosecution is brought <sup>mitted in the</sup>and in an organized part of the province. <sup>district, &c.</sup>

**165.** It shall not be necessary, in any action or prosecu-<sup>Proof of pre-</sup>tion under this act, to prove that the offence was com-<sup>cise date of</sup>mitted on the precise day specified, to obtain a convic-<sup>offence not</sup>tion; provided it be proved that the same was committed <sup>necessary.</sup>on or about such day, and before the date of the com-<sup>Proviso:</sup>plaint.

Possession to be presumptive evidence of purpose to sell.

**166.** In prosecutions for any contravention of section four of this act, the possession of any spirituous, vinous or fermented liquor, in such places of common resort, shall in the discretion of the justices be deemed sufficient evidence of its having been kept for sale by retail, without further proof.

License of no effect, if duty not paid.

**167.** No license shall be of any effect if the duty thereon shall not have been paid, and the party holding such license shall be held to be unlicensed and be liable accordingly; but the holding of the license shall be evidence of the payment of the duty unless the non-payment is proved by the prosecutor.

In certain cases evidence may be partly taken and the trial completed on a future day.

**168.** In any such prosecution brought before justices, if an application be made on behalf of the defendant, or of the prosecutor, upon sufficient cause, to adjourn the case to a future day, the court in its discretion may receive, and cause to be reduced to writing, the evidence of such witnesses for the prosecution or for the defence, as are then present, or can be produced, and may thereupon discharge such witnesses from further attendance and continue the case for the completion of the trial to such further day as it may fix for that purpose.

Certain proof to be *prima facie* evidence of keeping house of public entertainment.

**169.** If in any such prosecution it be proved that any person has exposed, or caused or suffered to be exposed, in any window, door, or other opening of his house, or premises, or in, on, or near such house or premises, any article, sign, painting, printing, writing, or thing whatever, of a description or character to induce travellers or others, to believe or suppose such house to be a duly licensed house or place of public entertainment, or that spirituous or vinous or fermented liquors are or might be sold, vended or bartered by retail therein, such proof shall be held to be *prima facie* evidence that such person kept a house or place of public entertainment.

Delivery of liquor in other than private houses or to non-residents to be deemed evidence of a sale.

**170.** The delivery of any spirituous, vinous or fermented liquor of any kind in or from any building, booth or place, other than a private dwelling-house or its dependencies, or in or from any dwelling-house or its dependencies, if any part thereof is used as a tavern, eating-house, grocery-shop, or other place of common resort—such delivery, in either case being to any one not *bona fide* a resident therein—shall *prima facie* be deemed evidence of and punishable as a sale in violation of the first and second sections of this act; and any such delivery in or from a private dwelling-house or its dependencies, or in or from any other building, booth or place whatever, to any one whether resident therein or not, with payment or promise of payment, either express or implied, before, on or after such delivery, shall *prima facie* be deemed evidence of and punishable as a sale in violation of the said sections.

Any delivery with payment or promise thereof deemed evidence of sale.

**171.** In prosecutions for the sale or barter of intoxicating liquor of any kind, without the license therefor by law required, or contrary to the true intent and meaning of the law in that behalf, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered, or the precise consideration therefor, or to the fact of the sale or barter having taken place with his participation, or to his own personal and certain knowledge, but the justices trying the same, so soon as it may appear to them that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence and in default of his rebuttal of such evidence, shall convict him accordingly.

**172.** In actions and prosecutions under this act for selling by public auction or outcry, without license, the following shall be deemed *prima facie* evidence of such sale: In prosecutions for sale without license certain presumptions sufficient to put defendant on his defence, and convict him in default of rebuttal.

1. Publicly offering for sale any article, goods or property before an assemblage of persons with the view of inducing some one amongst them to buy the same;

2. Causing to be printed in any newspaper or upon handbills any notice purporting to announce an intended sale by auction;

3. The exhibiting or exposing to view by any person in on or near his house or premises of any sign, printing, painting or writing indicating, or of a nature to lead to the belief, that he acts or is willing to act as an auctioneer, or his allowing the same to remain exposed to view.

**173.** The proof that any person exhibits, or exposes to view, or allows to remain exposed to view, in on or near any house or premises, owned or occupied by him, any sign, painting, writing or printing indicating, or of a nature to lead to the belief that a billiard-table, pigeon-hole table, Mississippi-board, or bagatelle-board, is kept in such house or premises, shall be *prima facie* evidence that such person keeps and maintains for gain and lucre a billiard-table, a pigeon-hole-table, a Mississippi-board, or a bagatelle-board, as the case may be. Certain proof to be *prima facie* evidence of keeping billiard-tables, &c.

**174.** The proof that any billiard-table, pigeon-hole table, Mississippi-board, or bagatelle board is kept in any hotel, tavern or other house or place of public entertainment shall be held to be evidence that the same is so kept for gain and lucre. Billiard tables in taverns, &c., presumed to be for lucre.

**175.** In every prosecution, under this act the justices may summon any person represented to them as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the justices may issue their warrant for the arrest of such person; and he shall thereupon be brought before the justices, and if he refuses to be sworn or to affirm, or to answer any Witnesses summoned and not appearing may be brought up by warrant.

question touching the case, he may be committed to the common gaol, there to remain until he consents to be sworn or to affirm, and to answer.

Penalty on witnesses for not appearing.

**176.** If any person is summoned as a witness, to give evidence before any justices of the peace touching any of the matters relative to this Act, and neglects or refuses to appear at the time and place for that purpose appointed, without reasonable excuse to be allowed by such justices, or appearing, refuses to be examined on oath and to give evidence before the justices, before whom the prosecution is depending, such person shall incur, for each such refusal or neglect, a penalty of forty dollars.

Witnesses, in certain cases, may be held to bail to give evidence.

**177.** In any prosecution under this act in which it shall be made to appear by affidavit that any person whose testimony is necessary will be unwilling or will probably fail to attend as a witness if merely summoned so to do, the justices before whom the case is brought, may, upon application made by the revenue officer or his deputy, issue a warrant to apprehend such person, and to hold him to bail to appear and give evidence at the time fixed for the trial; but in no case shall such person be detained under such warrant for a longer period than forty-eight hours.

Interest no ground of incompetency.

**178.** No person shall be incompetent on account of interest in the event of any action or prosecution under this act, to give evidence therein, but no person who has been convicted of fraud or felony shall be a witness in any such action or prosecution.

Defendant not to be examined

**179.** No defendant shall be examined as a witness in any action or prosecution under this act.

Witnesses bound to answer all questions.

**180.** Any person, other than the defendant, examined or called as a witness on any action or prosecution under this act shall be bound to answer all questions put to him which are deemed pertinent to the issue, notwithstanding any declaration on his part that his answer may disclose facts tending to subject him to any penalty imposed by this act; but such evidence shall not be used against him in any prosecution.

#### J U D G M E N T .

Judgment may be rendered by one justice.

**181.** Whenever any prosecution under this act has been tried before two justices of the peace, judgment may be rendered by one of them in the absence of the other, provided such judgment be written, and that it be signed by both of the said justices.

Disagreement of justices provided for.

**182.** Whenever any such prosecution has been tried before two justices of the peace and they cannot agree upon the judgment to be rendered, either of such justices may sign a certificate to that effect, and deliver the same to the revenue officer, who may thereupon bring another prosecution for the same offence.

**183.** Every judge of the sessions, justice of the peace, recorder, district or police magistrate and sheriff, other than the sheriffs of Montreal and Quebec, shall, in the months of April and October of each year, furnish to the treasurer of the province a statement of all prosecutions under this act brought before him and determined during the six months ending on the thirty-first day of March and the thirtieth day of September respectively, and such statement shall mention the name of the other justices, if any, before whom each case was brought, the name of every defendant, the date of each judgment, and the amount of the penalty or other condemnation in each case.

Justice to furnish treasurer with a semi-annual statement of prosecutions.

#### APPLICATION OF PENALTIES.

**184.** The penalties recovered under this act shall be disposed of in the following manner, that is to say :

Applications of penalties :

1. If the whole of the penalty and the amount of the costs have been recovered, two-third parts of the penalty shall belong to and be retained by the revenue officer,—but subject to the obligation of paying over one of such two-third parts to the informer ; and the remaining third part shall, by the revenue officer, be paid over to the treasurer, and shall form part of the consolidated revenue fund.

If whole amount has not been recovered ;

2. If the whole amount of the penalty and costs has not been recovered, the amount recovered shall be applied first to the payment of the costs, and of the balance two-thirds shall be retained by the revenue officer, subject to the obligation of paying one of such two-thirds to the informer as aforesaid, and the remaining third shall be paid over to the treasurer to form part of the consolidated revenue fund.

If whole amount has been recovered ;

3. In the case of convictions on view one-third shall be retained by the revenue officer and the remaining two-thirds, shall be paid over to the treasurer to form part of the consolidated revenue fund.

In case of conviction on view.

**185.** No penalty or forfeiture incurred under this act shall be remitted except with the authorization of the lieutenant-governor in council.

Who may remit penalties.

#### COSTS.

**186.** No fee shall be taken for any summons or warrant granted by any justice under this act, so far as the same relates to goods pawned, pledged or taken in exchange.

No fee on certain summonses,

**187.** No costs shall be awarded against the revenue officer in any action or prosecution under this act, but upon the recommendation of the justices, or of the revenue officer, the treasurer of the province may in his discretion pay to any party in whose favor judgment has been rendered against the revenue officer, such costs or indemnity as he may deem that such party equitably deserves.

No costs against revenue officer.



## EXECUTION.

How payment  
of penalties  
may be enforced.

**188.** In default of immediate payment of the penalty and such costs as are awarded, and if no delay is granted under section one hundred and ninety-two hereinafter, the prosecutor may declare his option, either to have the defendant imprisoned, or to have him proceeded against by distress. In the former case the defendant shall be imprisoned for a period of not less than three months, and not exceeding six months. In the latter case the amount of such penalty and costs shall be levied by warrant of distress out of the goods and chattels of the defendant, and in default of such goods and chattels, or in case of their being insufficient, the defendant shall be imprisoned for a period of not less than two months, and not exceeding six months. But in either case the defendant may obtain his liberation from such imprisonment by making full payment of such penalty, and of all costs, whether incurred upon or after conviction.

Commencement of term  
of imprisonment.

**189.** Every term of imprisonment under this act shall be reckoned from the day of the arrival of the party as a prisoner at the common gaol.

Billiard-tables  
liable for  
penalty.

**190.** If the conviction be for keeping a billiard-table, Mississippi table, pigeon-hole table or bagatelle-board, without a license, or for any contravention of section sixty-two of this act, the penalty and costs may be levied by distress and sale of any billiard-table in the possession of the defendant at the time of the conviction, whether the defendant is the owner thereof or not.

Tackle, &c.,  
of steamboats  
liable for  
penalty.

**191.** If the conviction be for retailing or allowing to be retailed or vended any spirituous, vinous or fermented liquor on board any steamboat or vessel without having previously obtained a license, the penalty and costs may likewise be levied by distress and sale of the tackle and furniture of the steamboat or vessel, on board of which such spirituous, vinous or fermented liquor has been retailed or vended.

Power of justice to grant  
delay and take  
security.

**192.** Nevertheless, the justices may, in their discretion, if such penalty and costs are not immediately paid, appoint some future day for the payment thereof, and may order the offender to be detained in safe custody until the day so appointed, unless such offender gives security for his or her appearance on such day, to the satisfaction of the said justices, who are hereby empowered to take such security by way of recognizance or otherwise at their discretion;—and if at the time so appointed the penalty is not paid the prosecutor may declare his option and the offender may be dealt with according to the terms of section one hundred and eighty-eight of this act.

Liability of

**193.** Whenever any married woman has been convicted

upon any prosecution under this act, it shall be at the option of the prosecutor to proceed by distress and sale against the property either of the married woman or of her husband, and further, in the event of such property of the one proving insufficient, against the property of the other provided they habitually reside together.

husband's property for penalties of wife.

**194.** Whenever a member of any partnership is convicted under this act the prosecutor's right to proceed by distress and sale, may, in the event of the goods and chattels of the defendant proving insufficient, be exercised against the goods and chattels of the partnership which may be found within the premises where the offence was committed.

Liability of partnership property.

#### APPEAL.

**195.** Unless, within forty-eight hours after any conviction, judgment or order, in any case under this act, the defendant deposits in the hands of the clerk of the justices, or court, the full amount of the penalty, or sum, and all costs, no such suit, prosecution, conviction, judgment or order shall be removed by *certiorari* or otherwise, into any of Her Majesty's courts of record; nor shall any notice of application for *certiorari* suspend, retard or affect the execution of any such conviction, judgment or order, nor, unless such deposit has been made, shall any appeal whatever be allowed from any such conviction, judgment or order to any court of general or quarter sessions.

No *certiorari* non-appeal unless, &c.

#### INTERPRETATION.

**196.** In construing this act, unless it is otherwise provided, or there be something in the context or other provisions thereof indicating a different meaning or calling for a different construction:

Interpretation.

1. The word "district" shall mean a revenue district created by the lieutenant-governor in council under the provisions of section ten of the Treasury Department Act;

"District;"

2. The term "revenue officer" shall mean the revenue officer assigned by the lieutenant-governor in council for each revenue district respectively, whatever particular name of office may be hereafter assigned to him;

"Revenue officer;"

3. The words "temperance hotel" shall mean any hotel, inn or tavern in which neither spirituous, vinous or fermented liquors are sold;

"Temperance hotel;"

4. The verb "to retail" shall mean to sell in quantities less than three gallons, or one dozen bottles, of at least three half pints each, at one and the same time, and the noun "retail" shall mean sale in such quantities;

"Retail;"

5. Each of the words "goods," "effects" and "chattels," means and comprises all movable property, but this inter-

"Goods," "effects," "chattels;"

- pretation shall not be held to render liable to seizure any property exempted therefrom by law ;
- " Vessel ;" 6. The word " vessel " shall mean any steamboat, boat, or craft whatever, and any scow, raft or float whatever ;
- " Fermented liquors ;" 7. The term " fermented liquors " shall not include ginger-beer, spruce-beer, root-beer or other like beverages known as " temperance drinks ;"
- " Unorganized tract ;" 8. The term " unorganized tract " or " unorganized part " shall mean any tract or part of this province which does not constitute or form part of a municipality, notwithstanding the fact of such tract or part being comprised within any county or judicial district ;
- " Gunpowder ;" 9. The word " gunpowder " means and includes any explosive powder, whether gunpowder or mining or other powder, and whether the same be encased or not in cartridges or canisters ;
- " Informer ;" 10. The word " informer " shall mean a person who shall have given information on which the revenue officer shall have brought a prosecution, and who, not being incompetent by reason of any conviction for fraud or felony, shall have given material evidence at the trial of such prosecution ;
- " Spirituous, vinous or fermented liquors ;" 11. The words " spirituous, vinous or fermented liquors " shall respectively include any mixed liquid capable of being used as a beverage, and a part of which consists of spirituous, vinous or fermented liquor ;
- " Intoxicating liquor ;" 12. The words " intoxicating liquor " shall mean and include any spirituous, vinous or fermented liquor or any mixed liquid capable of being used as a beverage and a part of which consists of spirituous, vinous or fermented liquor ;
- " Person ." 13. The word " person " shall include any married woman, whether she be or be not a public trader, or separated or not as to bed and board or as to property only.

### REPEALING CLAUSES.

197. The following acts and parts of acts, in so far as the same relate to this province, and to matters within the control of the legislature of Quebec, are hereby repealed ;

- Act of Lower Canada, 39 Geo. III, c. 5, s. 23. 1. The twenty-third section of the act of the late province of Lower Canada, thirty-ninth George the Third, chapter five ;
- C. S. C., c. 20. 2. The act chapter twenty of the consolidated statutes of Canada ;
- C. S. C., c. 61, except sections 10, 11, 12, 13, 14, 24, 25, 26, 27, and 56. 3. The act chapter sixty-one of the consolidated statutes of Canada, except sections ten, eleven, twelve, thirteen, fourteen, twenty-four, twenty-five, twenty-six, twenty-seven, and fifty-six ;
- C. S. L. C., c. 5. 4. The act chapter five of the consolidated statutes for Lower Canada ;

5. The act chapter six of the consolidated statutes for C. S. L. C., c. 6. Lower Canada ;
6. The act chapter seven of the consolidated statutes for C. S. L. C., c. 7. Lower Canada ;
7. The act chapter eight of the consolidated statutes for C. S. L. C., c. 8. Lower Canada ;
8. The act chapter nine of the consolidated statutes for C. S. L. C., c. 9, Lower Canada, in so far only as regards ferries between <sup>partially.</sup> the city of Montreal and the parish of Longueuil.
9. The act twenty-third Victoria, chapter six, except section five thereof; <sup>23 V., c. 6, except s. 5.</sup>
10. The sub-sections numbered twenty and twenty-one of <sup>§§ 20, 21 of s. 4, of 24 V., c. 29.</sup> the fourth section of the act twenty-fourth Victoria, chapter twenty-nine ;
11. Sections one, two, four and seven, of the act twenty-fifth Victoria, chapter six ; <sup>Secs. 1, 2, 4, 7, of 25 V., c. 6.</sup>
12. The act twenty-seventh and twenty-eighth Victoria, chapter eighteen, except the first ten sections, the second sub-section of section eleven, section thirty-four, the second sub-section of section thirty-five, sections thirty-seven and thirty-eight, sub-section three of section forty-four, and sections forty-seven, fifty, fifty-one, fifty-two and fifty-three ; <sup>27, 28 V., c. 18, except first ten secs.; § 2 of s. 11, s. 34, § 2 of s. 35; ss. 37, 38; 83 of s. 44; and ss. 47, 50, 51, 52 and 53.</sup>
13. The act twenty-seventh and twenty-eighth Victoria, chapter forty-eight ; <sup>27, 28 V. c. 48.</sup>
14. The act twenty-ninth Victoria, chapter fifty-four ; <sup>29 V., c. 54.</sup>
15. Sections three, four and five of the act twenty-ninth Victoria, chapter fifty-eight ; <sup>S. 3, 4 and 5, of 29 V., c. 58.</sup>
16. The following parts of the act twenty-ninth and thirtieth Victoria, chapter thirty-two, namely : so much of section four as would otherwise apply to any revenue officer ; <sup>Parts of 29, 30 V., c. 32, viz. : part of s. 4, §§ 1, 2, 3, of s. 5, s. 9, part of s. 10, and s. 13.</sup> sub-sections one, two and three of section five, section nine, so much of section ten as would otherwise apply to any revenue officer, and section thirteen ;
17. The act twenty-ninth and thirtieth Victoria, chapter thirty-five ; <sup>29, 30 V., c. 35.</sup>
18. Sections forty-eight and sixty-five of the act twenty-ninth and thirtieth Victoria, chapter fifty-seven ; <sup>Ss. 48, 65, of 29, 30 V., c. 57.</sup>
19. The act of this province, thirty-first Victoria, chapter Q., three ; <sup>31 V., c. 3.</sup>
20. The act of this province, thirty-first Victoria, chapter Q., twenty-seven ; <sup>31 V., c. 27.</sup>
21. Sections ten, eleven, twelve and thirteen of the act of this province thirty-first Victoria, chapter thirty-seven ; <sup>Ss. 10, 11, 12, 13, of Q., 31 V., c. 37.</sup>
22. The act of this province, thirty-second Victoria, chapter twenty-four ; <sup>Q., 32 V., c. 24.</sup>
23. Sections two, three, four, five, six, fourteen, fifteen and sixteen of the act of this province, thirty-second Victoria, chapter seventy ; <sup>Ss. 2, 3, 4, 5, 6, 14, 15, 16 of Q., 32 V., c. 70.</sup>
24. The act of this province, thirty-third Victoria, chapter Q., three ; <sup>33 V., c. 3.</sup>

Q., 33 V., c. 27. 25. The act of this province thirty-third Victoria, chapter twenty-seven ;

Q., 33 V., c. 37. 26. The act of this province thirty-third Victoria, chapter thirty-seven ;

All inconsistent provisions. 27. All acts or parts of acts or provisions of law whatever contrary to or inconsistent with any provision of this act.

Provisions repealed by former acts not to revive. 198. No repeal hereby enacted shall have the effect of reviving any act or provision of law repealed by the acts or parts of acts hereby repealed, nor shall any such repeal be held to imply the enactment of any provision contrary or contradictory to any provision so repealed.

Acts repealed to continue to apply to things done or begun before repeal. 199. Every offence, wholly or partly committed against any act or enactment hereby repealed, prior to such repeal, shall be dealt with, inquired of, tried, determined and punished, and every penalty in respect of any such offence shall be recovered, in the same manner as if the said acts and enactments had not been repealed; and every act duly done, and every warrant and other instrument duly made or granted before such repeal, shall continue and be of the same force and effect as if the said acts and enactments had not been repealed; and every right, liability, privilege and protection in respect of any matter or thing committed or done before such repeal shall continue and be of the same force and effect as if the said acts and enactments had not been repealed; and every action, prosecution or other proceeding commenced before such repeal, or thereafter commenced in respect of any such matter or thing, may be prosecuted, continued and defended, as if such acts and enactments had not been repealed.

## FINAL PROVISIONS.

Es. 7, 8, of 31 V., c. 21, not effected.

200. Nothing contained in this act shall affect or interfere with sections seven and eight of the gold mining amendment act of 1868, but no monthly license shall be granted under the said section seven to any person who has not previously obtained a license under this act to sell spirituous, vinous and fermented liquors.

• This act shall prevail against all other acts of this session.

201. None of the provisions of this act shall be superseded or affected by any act passed during the present session of the legislature, and all provisions of the act passed in the said session, intituled: "Municipal Code of the Province of Quebec," whereby any municipalities are empowered to regulate the storage of gunpowder, or any other matter, shall apply only in so far as such storage or such other matter is not, or shall not, at any time hereafter be, regulated by this act or by any regulations made in virtue thereof.

Name of this act.

202. This act shall be known, and may be designated and cited as "The Quebec License Act."

Copies of this

203. The treasurer of the province shall cause to be

prepared and printed, at the public expense, a pamphlet containing this act, the treasury department act, and such other acts and portions of acts, regulations of the lieutenant-governor in council, and instructions from the treasury department as are connected with any of the several subject matters of this act, and the publication of which the said treasurer may deem conducive to the proper administration of the revenue laws of this province and the effective carrying out of this act. and other acts to be printed and distributed in a pamphlet.

The distribution of the said pamphlet shall be regulated by order of the lieutenant-governor in council, and a sufficient number of copies thereof shall be printed in the French language, and in the English language.

### FORMS.

204. The forms contained in the following schedule, or other forms to the like effect, shall be sufficient for the purposes for which they are intended.

### SCHEDULES.

#### (A)

FORM OF AFFIDAVIT TO BE MADE BY A PERSON DESIROUS  
OF OBTAINING A LICENSE TO KEEP A HOUSE OR  
PLACE OF PUBLIC ENTERTAINMENT.

Province of Quebec, }  
District of }

I, \_\_\_\_\_, of \_\_\_\_\_, in the county of \_\_\_\_\_, in the district of \_\_\_\_\_, who am desirous of obtaining a license to keep \* \_\_\_\_\_ situated at † \_\_\_\_\_, being duly sworn, do make oath and say, that I am a subject of Her Majesty, and that I am in all respects duly qualified according to law, to keep a house or place of public entertainment.

(Signature.)

Sworn to before me, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

J. P. for the district of \_\_\_\_\_

NOTE.—At the mark \* insert "a house or place of public entertainment for retailing spirituous liquors, &c.," or "a house or place of public entertainment, and for retailing vinous and fermented liquors," as the case may be. At the mark †, describe the exact locality as nearly as possible.

The Note is common to the forms A, B. and C.

## (B)

FORM OF CERTIFICATE FOR OBTAINING A LICENSE TO  
KEEP AN INN OR TAVERN.  
(as the case may be.)

Province of Quebec, }  
District of }

We, the undersigned municipal electors of the \_\_\_\_\_ of  
\_\_\_\_\_, in the county of \_\_\_\_\_, do hereby certify that  
\_\_\_\_\_, of \_\_\_\_\_, in the county of \_\_\_\_\_,  
in the district of \_\_\_\_\_, who is desirous of obtaining  
a license to keep \* \_\_\_\_\_ at †  
is personally known to each of us, that he is a subject of  
Her Majesty, is honest, sober, and of good repute, and is a  
fit and proper person for keeping a house of public enter-  
tainment, (*where in country parts, add:—that we have*  
*visited or are acquainted with the house and premises*  
*situate at \_\_\_\_\_, for which the license is required, and*  
*that he has in and on the same, bedding, stabling and*  
*accommodation for travellers, as required by law.)*

*If in country parts, add:* We further certify that a house  
of public entertainment is required at the place where the  
said house is situate.

Given under our hands, the \_\_\_\_\_ day of \_\_\_\_\_, in  
the year one thousand eight hundred and \_\_\_\_\_

{ Municipal Electors for  
{ the County of \_\_\_\_\_

The foregoing certificate having been this day submitted  
to the municipal council of (*or to the corporation of*)  
and the said council (*or corporation*) being duly assembled  
and having deliberated thereon, confirm the same certificate,  
in favor of \_\_\_\_\_ therein mentioned

Signed at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand  
eight hundred and \_\_\_\_\_

P. Q., *Mayor.*  
R. S., *Secretary.*

WHEN THE CERTIFICATE IS CONFIRMED UNDER THE PROVI-  
SIONS OF THE TWELFTH OR OF THE THIRTEENTH  
SECTION.

The foregoing certificate having been this day submitted  
to us, conformably to the *twelfth* or *thirteenth* section of the  
Act thirty-fourth Victoria, chapter \_\_\_\_\_ we do hereby  
confirm the same,

(Signatures.)

(C)

Know all men by these presents, that we T. U., of \_\_\_\_\_, V. W., of \_\_\_\_\_, and X. Y., of \_\_\_\_\_ are held and firmly bound unto Her Majesty, Queen Victoria, Her Heirs and Successors, in the penal sum of four hundred dollars of good and lawful money of the Province of Canada, that is to say, the said T. U. in the sum of two hundred dollars, the said V. W. in the sum of one hundred dollars, and the said X. Y. in the sum of one hundred dollars, of like good and lawful money, for payment of which, well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas the above bounden T. U. is about to obtain a license to keep \* \_\_\_\_\_, the condition of this obligation is such, that if during all the time such license remains in force, the said T. U. pays all fines and penalties which he may be condemned to pay for any offence against the law relative to houses of public entertainment now or hereafter to be in force, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf, then this obligation shall be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof, we have signed these presents with our hands, and sealed them with our seals, this  
day of \_\_\_\_\_, 18 \_\_\_\_\_.

T. U. [L. S.]  
V. W. [L. S.]  
X. Y. [L. S.]

Signed, Sealed and Delivered, }  
in the presence of us }

(D)

## FORM OF DECLARATION.

Province of Quebec, }  
District of }

Before (*name and designate the justices.*)

(*Name of Revenue Officer,*) of the city, (town, township or parish) of (*name of the city, town, township or parish,*) in the district of (*name of the district,*) Revenue Officer in behalf of our Sovereign Lady the Queen, prosecutes, (*name of defendant,*) of the city, (town, township, or parish) of \_\_\_\_\_ in the district of \_\_\_\_\_



For that whereas the said (*name of defendant,\**) did at the city, (town, township, or parish,) of \_\_\_\_\_ in the district aforesaid \_\_\_\_\_, on \_\_\_\_\_, and at sundry times before and since (*here state succinctly the offence,*) contrary to the statute, in such case made and provided; Whereby and by force of the said statute, the said \_\_\_\_\_ hath become liable to pay the sum of \_\_\_\_\_ dollars \_\_\_\_\_ cents.

Wherefore the said Revenue Officer prays judgment in the premises, and that the said (*name of defendant,*) may be condemned to pay the sum of \_\_\_\_\_ dollars \_\_\_\_\_ cents, for the said offence, with costs.

O. Z.,

Revenue Officer,  
Prosecutor.

(E)

#### FORM OF SUMMONS.

Province of Quebec, }  
District of \_\_\_\_\_ }

To (*name of defendant,*) of the (city, town, township or parish,) of (*name of the city, town, parish or township,*) in the district of (*name of district,*)

You are hereby commanded to be and appear before us the undersigned Justices† of the Peace for the said district, at (*name of place,*) on the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, to answer to the complaint made against you by (*name of Revenue Officer,*) Revenue Officer, (*or as the case may be,*) who prosecutes you in Her Majesty's name and behalf, for the causes mentioned in the declaration hereunto annexed;—otherwise judgment will be given against you by default.

Given under *my* hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, one thousand eight hundred and \_\_\_\_\_, at \_\_\_\_\_, in the district aforesaid.

J. P.

*If the prosecution is brought by a Municipality, vary the form accordingly*

*\*In any of these Schedules say "defendants," instead of "defendant," if there are more than one.*

*†In any of these Schedules say "Justice," instead of "Justices," when there is only one.*

## CERTIFICATE OF SERVICE.

I, the undersigned , do hereby certify, upon my oath of office, that on the day of , I did serve the within summons, and the declaration thereto annexed, on the within named defendant, at the hour of of the clock in the noon, by leaving a true and certified copy of the said summons and of the said declaration at the domicile of the said defendant, in the speaking to of day of 18 .

*If the service be not made by a bailiff, insert "being duly sworn do make oath and certify," instead of "do hereby certify under my oath of office," and after the signature add: "Sworn before me, at this day of 1870.*

J. P. (*Signature of the Justice.*)

(F)

## FORM OF CONVICTION.

Province of Quebec, }  
District of }

Be it remembered, That on the day of , in the year one thousand eight hundred and , at (*name of place where convicted,*) in the said district, (*name of defendant,*) is convicted before the undersigned (*one*) of Her Majesty's Justices of the Peace for the said district, for that he, the said (*name of defendant,*) did (*state the offence succinctly of which he or they were convicted*) and (*I or we*) adjudge the said (*name of defendant*) for his said offence, to forfeit and pay to the sum of , and also to pay to the said the sum of , for his costs in this behalf.

Given under hand and seal, the day and year first above mentioned.

Signature, J. P. (*Seal or Seals.*)  
or Signatures.

NOTE.—*The copy left with or for the Defendant is to be certified as a "true copy" by the Justice, signing the Summons.*

G.

## FORM OF WARRANT OF DISTRESS.

Province of Quebec, }  
 District of }

(*Name of Justice*) Esquire, of Her Majesty's Justices  
 of the Peace in and for the said District.

To any bailiff, constable or other officer of the Peace, in and  
 for the said district:

Whereas (*name of Defendant*) of the Parish of (*name of Parish or Township*), in the said district, hath been convicted before (*one*) of Her Majesty's Justices of the Peace for the said District, of having (*state the offence*) whereby the said (*name of Defendant*) hath forfeited, and hath by the said Justice been adjudged to pay the sum of        dollars        cents, and further the sum of (*amount of the costs allowed by me*) the said Justice allowed and adjudged to be paid by the said (*Defendant*) to (*name of Officer*) Revenue Officer, (*or as the case may be*) for costs by him laid out about the conviction aforesaid (\*); These are therefore to command and require you, and each and every of you, to distrain the goods and chattels of the said (*name of Defendant*) wheresoever they may be found within the said district; and on the said goods and chattels so distrained to levy the said penalty and costs, making together the sum of        dollars        cents: And if within the space of four days next after such distress by you made, the said last mentioned sum of        dollars        cents, together with the reasonable charges of taking and keeping the said distress are not paid, that then you do sell the said goods and chattels so by you distrained as aforesaid, and out of the money arising from such sale that you do pay the said sum of        dollars        cents, unto the said Revenue Officer, (*or as the case may be*) returning to the said        the overplus, the reasonable charges of taking, keeping and selling the said distress being first deducted; and you are to certify to        with the return of this precept what you shall have done in the execution thereof. Hereof fail not.

Given under        hand and seal, at       , in the said district, this        day of       , in the year one thousand eight hundred and

Signature,        J. P. (*Seal*)

## (H)

## WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

To all or any of the Bailiffs, Constables and other Peace Officers, in the district of , and to the keeper of the (house of correction) at in the said district of :

Whereas, (&c., as in the foregoing distress warrant to the (\*) and then this): And whereas afterwards on the in the year aforesaid, I, (or, as the case may be,) issued a warrant to all or any of the bailiffs, constables or other Peace Officers of the district of , commanding them or any of them, to levy the said sums of and by distress and sale of the goods and chattels of the said

; And whereas it appears to me, as well by the return to the said warrant of distress by the (constable) who had the execution of the same, as otherwise, that the said (constable) hath made diligent search for the goods and chattels of the said , but that no sufficient distress whereon to levy the sums above mentioned could be found; These are therefore to command you, the said Bailiffs, Constables or Peace Officers, or any one of you, to take the said and him safely to convey to the (house of correction) at aforesaid, and there deliver him to the said keeper, together with this precept; and I do hereby command you the said keeper of the said (house of correction) to receive the said into your custody, in the said (house of correction) there to imprison him for the space of , unless the said several sums and all the costs and charges of the said distress, (and of the commitment and conveying of the said to the said house of correction) amounting to the further sum of , are sooner paid unto you the said keeper; and for so doing, this shall be your sufficient warrant.

Given under my hand and seal, this day of , in the year of our Lord , at , in the district aforesaid.

Signature, J. P. [L. s.]

## (I)

## FORM OF COMMITMENT WITHOUT DISTRESS.

PROVINCE OF QUEBEC, ) G. A., Esquire, of *desig-*  
District (or as the case ) *nating the official function of the*  
may be) of ) *person issuing the warrant.)*

To any bailiff, constable or other officer of the peace in and for the said district (or as the case may be):

Whereas C. D., of (designate the defendant)  
 been convicted before of having (state the offence)  
 and for such offence adjudged to pay A. B. (designate the  
 Prosecutor) the sum of , and also the further sum of  
 for costs in that behalf, and whereas the said C. D.  
 has failed to pay the said sums; \*

These are therefore to command you the said bailiffs, constables or officers of the peace, or any one of you, to take the said C. D., and him safely convey to the gaol of the said district, (or as the case may be) and there deliver him to the said keeper thereof, together with this warrant; and I (or we) do hereby command you the said keeper of the said gaol to receive the said C. D. into your custody in the said gaol, and there to imprison him for the space of , from the day of his arrival as a prisoner thereat, unless the said last mentioned sum of and all the costs of the said distress, and of the commitment and conveying of the said C. D. to the said gaol, amounting to the further sum of , are sooner paid unto you the said keeper; and for so doing this shall be your sufficient warrant.

Given, &c., (as in foregoing form G.)

### CAP. III.

An Act further to amend the Act respecting the Department of Agriculture and Public Works.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Sec. 36, of 32  
 V., c. 15 and  
 sec. 3 of 33 V.,  
 c. 6, amended.

1. Section thirty-six of the act thirty-second Victoria, chapter fifteen is hereby amended by striking out the two first sub-sections with the amendments made thereto by section three of thirty-third Victoria, chapter six, and substituting therefor two new sub-sections, which shall read as follows :

Organization  
 of agricultural  
 and industrial  
 exhibitions.

" 1. To organize, jointly with a committee of five members of the board of arts and manufactures, composed of the president, vice-president, secretary, and two members to be named by the sub-committee of said board, agricultural and industrial exhibitions open to such competitors as they shall see fit, once at least in every three years; and five days notice of all meetings for such purposes shall be sent by the president or secretary of the council of agriculture to the members of the board of arts and manufactures composing the said committee."

"2. To fix, under such conditions as it shall judge meet, the place in which each provincial exhibition shall be held, to make jointly with the committee of five members of the board of arts and manufactures, by-laws for the regulation of such exhibitions, to name jointly with them a local committee at the place where such exhibition is to be held, and lay down the powers and duties of the said local committee." Regulation of exhibitions.

"3. Section one hundred and seventeen of said act shall be amended by placing after sub-section two the following : Sec. 117 of said act amended.

"3. To aid and assist the council of agriculture in organizing agricultural and industrial exhibitions, and in making the necessary by-laws for the organization and regulation of such exhibitions, as provided for by section thirty-six ;" and by altering the number of sub-section three to four."

"3. Section one hundred and forty-seven of the said act is hereby amended by substituting for the words "through which such colonization roads or bridges may pass" in the said section, the words "in the vicinity of such colonization roads or bridges." Sec. 147 of said act amended.

"4. Section seventy-five of said act is amended by striking out the word "April" and substituting therefor the word "January." Sec. 75 of said act amended.

"5. Section seventy-six of said act is amended by striking out the word "June," and substituting therefor the word "February," and also striking out all that part of said section after the word "together" inclusive. Sec. 76 of said act amended.

#### CAP. IV.

An Act to amend certain articles of the Code of Civil Procedure respecting the practice of the Superior and Circuit Courts.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 238 of the said code is hereby amended so as to read as follows : 238 C. C. P. amended.

"In the districts of Quebec, Montreal and Ottawa, every "juridical day, except days between the ninth of July and "the first of September, and between the twenty-fifth day "of December and the tenth day of January, and days "on which any term of the Court of Queen's Bench, Appeal "side, or of the Superior Court or of the Circuit Court is "being therein held, shall be a day on which parties to a suit Days for proof.

"may be compelled to proceed to proof; in each of the other districts the judge may, from time to time, by a rule of practice promulgated in open court, set apart such days in or out of term as may be deemed convenient for proceeding to proof."

263 C. C. P.  
amended.

Proof in several cases at the same time.

265 C. C. P.  
repealed.

463 C. C. P.  
Days in vacation to count in delays of arts.  
497 and 500

C. C. P.  
Art. 494  
repealed.

2. Article 263 of the said code is hereby amended by adding the following words at the end thereof: "and the judge may order as many cases to proceed before him at the same time, as in his discretion, he deems expedient."

3. Article 265 of the said code is hereby repealed.

4. Notwithstanding article 463 of the said code, any days between the ninth of July and the first of September shall be reckoned in the delays of eight days fixed by articles 497 and 500 of the said code.

5. Article 494 is hereby repealed, and the following article is substituted in lieu thereof:

494. A review may be had:

1. Upon every final judgment from which an appeal lies;  
2. Upon every judgment or order rendered by a judge in summary matters under the provisions contained in the third part of this code;

3. Upon any judgment rendered on any petition or motion to set aside or quash an attachment before judgment or *capias ad respondendum*.

Art. 569  
amended.

6. Article 569 of the said code is hereby amended by inserting after the word "judge" therein, the words "or in his absence the prothonotary."

The said article so amended shall apply to all cases in the Circuit Court, and, in such cases, the clerk of the said court shall have the power hereinabove given, instead of the prothonotary.

§ 1 of art. 663  
amended.

7. The first paragraph of article 663 of the said code is hereby amended so as to read as follows: "The writ of *venditioni exponas* orders the sheriff to proceed with the sale of the immovable or of the rent under seizure after one publication in French and English at the church door, on the third Sunday before the sale, and two advertisements in the Quebec Official Gazette; each such advertisement containing the information required by article 648."

Art. 664  
amended.

8. Article 664 of the said code shall apply to executions against movables.

Art. 1054  
amended.

9. Article 1054 of the said code is hereby amended by inserting at the beginning thereof, the words "Except in the districts of Quebec and Montreal."

Superior Court in review to have exclusive original jurisdiction in certain cases.

10. The judges of the Superior Court, at their sittings in review, shall also have exclusive original jurisdiction to hear and determine all motions for judgment upon a verdict, or for new trial, or for judgment *non-obstante veredicto*, or in arrest of judgment, in cases in the Superior Court, in the districts of Quebec and Montreal.

**11.** Article 1095 of the said code is hereby amended by adding thereto the following paragraph: "On any day during a term or the time fixed for the holding thereof, if the judge is absent or cannot hold the court on that day, such confessions may be given in the same manner as out of term." Art. 1095 amended.

**12.** Article 1115 of the said code is hereby amended by adding, at the end thereof, the following words: "And except also in cases for an amount not exceeding two hundred dollars, in which the judgment has been confirmed in review before three judges." Art. 1115 amended.

**13.** Notwithstanding article 1118 of the said code, proceedings in error or in appeal may be taken during the delay allowed for demanding a review before three judges, or after proceedings in review have been commenced if the party who has taken such proceedings discontinues the same. Notwiths. 1118 C. C. P. appeals may be taken during delay for review.

**14.** Article 1179 of the code of civil procedure is amended by striking out the following words at the end of the said article: "and the sureties are not bound to justify their solvency upon real estate," and by substituting and adding the following: "The sureties justify their solvency upon the real estate which is described in the bail bond. One surety suffices, if he is the owner of real estate which he describes provided that the value of such real estate is equal to the amount of the security, over and above all charges and hypothecs. The judge who receives such security may order, either on demand or otherwise, the production of the registrar's certificate, the valuation rolls and any other documents for the purposes of the security, and is bound to put such questions as he deems advisable to the sureties, and such questions and the answers thereto may be taken down in writing. Nevertheless the party appellant may exempt himself from furnishing such security, by depositing an amount equal to that required for the security, either in money, in bonds of the Dominion or of the province of Quebec, or in corporation debentures, and such moneys, bonds or debentures are deposited either with the clerk of the court of Queen's Bench or with the sheriff, as the judge may direct." 1179 C. C. P. amended.

**15.** Section ten of the Quebec interpretation act shall not apply to this act. Sec. 10 of Q. 31 V. c. 7 not to apply.

**16.** Nothing in this act shall apply to or affect any cases now pending before the Circuit Court. Cases pending not affected.



## CAP. V.

An Act to continue for a limited time the several Acts therein mentioned.

[Assented to 24th December, 1870.]

Preamble.

**W**HEREAS, it is expedient to continue, for a limited time, the acts hereinafter mentioned, which would otherwise expire at the end of the present session; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Acts of Lower  
Canada, 2 Geo.  
4, c. 8.,

**1.** The act of the parliament of the late province of Lower Canada, passed in the second year of the reign of his late majesty King George the Fourth, intituled: "An act for better regulating the common of the Seigneurie of Laprairie de la Magdeleine;" the act of the said parliament passed in the same year of the same reign, and intituled: "An act to enable the inhabitants of the Seigneurie of La Baie St. Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the common of the said seigneurie," as amended and extended by the act of the said parliament, passed in the fourth year of the same reign, and intituled: "An act to authorize the chairman and trustees of the common of the Seigneurie of the Bay St. Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said common and for other purposes appertaining to the same;" the act of the said parliament, passed in the ninth year of the same reign, and intituled: "An act to alter and amend an act passed in the sixth year of His Majesty's reign, and intituled: "An act to authorize the inhabitants of the fief Grosbois, in the county of St. Maurice, to make regulations for the common of the said fief," and all and every of the said acts are hereby continued, and shall remain in force until the first day of January, one thousand eight hundred and seventy-two, and from thence until the end of the then next ensuing session of the legislature, and no longer.

2 Geo. 4, c. 10,  
4 Geo. 4, c. 26,  
9 Geo. 4, c. 32,  
Continued until the end of the session next after 1st January, 1872.

Proviso as to  
acts of the  
present session.

**2.** Provided always, that nothing herein contained shall prevent the effect of any act passed during the present session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the acts hereinbefore mentioned and continued, nor shall continue any provision or part of any of the acts in this act mentioned, which may have been repealed by any act passed in any previous session or during the present session.

## CAP. VI.

An Act to render permanent a certain Act therein mentioned, respecting Police Magistrates.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The act of the parliament of the late province of Canada, passed in the session held in the twenty-eighth year of Her Majesty's reign, intituled : "An act respecting Police Magistrates," which said act has been since continued by acts of the legislature of this province, until the end of the present session, shall be, and the said act is hereby made permanent, and shall remain in force until repealed or altered by competent authority, anything in the said act, or in any other act, to the contrary notwithstanding.

## CAP. VII.

An Act respecting re-entry upon certain abandoned lands in seigniories.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Whenever, in any seignior, a *censitaire* at any time before or after the passing of this act has abandoned any land held by him subject to the payment of any seigniorial dues or constituted rents created in lieu thereof, and such land has remained so abandoned during twenty years or a longer period, and arrears of such seigniorial dues or rents for more than ten years have not been paid, then the seignior may proceed in a summary manner as hereinafter provided to recover back such land and re-enter into possession of the same.

2. A notice shall be served upon the *censitaire* stating that at a time and place therein mentioned the seignior will apply to a judge of the superior court to recover back the land, or, if the *censitaire* cannot be found within the district, he may be ordered to appear in the manner prescribed by article 68 of the code of civil procedure.

The notice shall likewise be served upon any person then in actual possession of the land.

Delay between  
notice and  
application.

3. The delay between the service of the notice and the day on which the application is to be made shall be that prescribed for ordinary cases by article 75 of the said code, or that given by the said article 68, as the case may require.

How applica-  
tion shall be  
made.

4. After notice has been so given, and at the time and place mentioned in the notice, the seignior may, by a petition setting forth the facts of the case and supported by affidavit, and production of the written evidence of the concession, if in his hands, apply to a judge of the superior court to have the concession declared void, and to be put in possession of the land.

Manner of  
contesting it.

5. No contestation of the said petition shall be allowed except by counter-affidavits produced within three days after the presenting of the petition.

Judgment on  
the petition.

6. After the said delay of three days the judge may, in his discretion, either reject the petition or render a judgment declaring the concession void, and authorizing the petitioner to take possession of the land. In the event of the judgment rejecting the petition, it shall not prejudice the seignior in any right he may have by law of bringing an action in the ordinary manner.

What may pre-  
vent judgment  
from being  
rendered.

7. No such judgment shall be rendered if at any time before the rendering thereof the *censitaire* or any person for him or holding under him shall have paid either to the seignior or into the office of the prothonotary of the superior court the full amount of all the seigniorial dues remaining unpaid in respect of the land in question and all costs incurred by the seignior.

Judgment  
may be enforced  
by writ of  
possession.

8. If the seignior is prevented by any person or persons from taking possession of the land in virtue of the said judgment, he may demand and obtain from the prothonotary of the superior court a writ of possession to eject such person or persons and place the seignior in possession, and article 550 of the code of civil procedure shall apply to such writ.

Review of  
judgment.  
Arts. 495 to  
504, C. C. P.

9. The *censitaire* may obtain a review of the same judgment, and articles 495 to 504 inclusively of the code of civil procedure shall apply to such review.

Documents to  
belong to S. C.

10. All documents forming part of the proceedings under this act shall form part of the records of the superior court.

What shall be  
deemed an  
abandonment.

11. In construing and applying this act every *censitaire* who having ceased to occupy the land by himself or by his family, has either made no transfer of his rights in the land or has made a transfer; but has not notified the seignior in writing of such transfer, shall be deemed to have abandoned the land; and no actual possession of the land by any person shall be deemed to be a notice of any such transfer.

Rights of  
holders of  
hypothecary

12. Nothing in this act shall be held to prejudice the rights of any person having any hypothecary claim upon

any such land. But the exercise of such rights shall be subject to the payment by such persons of all the arrears of the seigniorial dues aforesaid then exigible, and the privilege of the seigniors shall extend to ten years of such arrears of seigniorial dues and constituted rents, anything to the contrary mentioned in articles 2012 of the civil code notwithstanding, and the seignior may recover such arrears of seigniorial dues for such ten years in the case provided by this act only.

13. The word "seignior," "seigniory" "seigniorial dues" and "*censitaire*" shall have the same meaning respectively as they had before the passing of the seigniorial act of 1854, and moreover the words "seigniorial dues" shall include rents constituted in lieu thereof; the word "seignior" shall include any owner of such rents, and the word "*censitaire*" any person charged with such rents.

14. The costs in proceedings taken under this act and the costs in proceedings taken under the act of this province, thirty-third Victoria, chapter sixteen, shall be the same as those allowed by the tariff of the circuit court in cases above one hundred dollars; the fees of the advocates and attorneys shall be, if there is no contestation, the same as those allowed by the said tariff, where the case is settled after inscription upon the roll for the adduction of evidence, but before the closing of the evidence, and, if there is a contestation, the same as those allowed where the case is settled after the filing of a plea to the merits, but before inscription on the roll for the adduction of evidence.

## CAP. VIII.

An Act respecting the Registers of Civil Status in a certain part of the district of Saguenay, and the civil erection of certain Parishes.

[Assented to 24th December, 1870.]

WHEREAS, by reason of the remoteness, isolation and unorganized condition of the portion hereinafter mentioned of the district of Saguenay, and the present impossibility of taking advantage therein of the laws relating to the civil erection of parishes, it is expedient to make exceptional provisions for the keeping, authentication and depositing of registers of civil status for that part of this province; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Every register of civil status which previously to the first day of January, one thousand eight hundred and seventy-two, shall have been voluntarily kept in duplicate

claims  
protected.

Meaning of  
words "sei-  
gnior," "sei-  
igniory," sei-  
gniorial dues"  
and "censi-  
taires."

Costs under  
this act and  
under 33 V.,  
c. 16 provided  
for.

Preamble.

Mode of au-  
thenticating  
registers of  
civil status

kept in  
a certain part  
of the district  
of Saguenay  
before 1st  
Jan., 1872.

Authenticity  
of extracts or  
copies.

Certain articles  
of civil code  
and of code of  
civil procedure  
to apply after  
1st Jan., 1872.

Registers to be  
numbered and  
initialed.

Duplicate to  
be deposited  
within one year  
with the pro-  
thonotary.

Preamble.

Parish of St.  
Germain du  
Lac Etchemin.

by any priest, missionary or minister of any religious denomination in that part of the district of Saguenay, east of the river Portneuf, including the Island of Anticosti and other islands, and shall have been attested by the certificate and signature of such priest, missionary or minister may be authenticated by the prothonotary of the superior court, at the city of Quebec. Such authentication shall be effected as regards each duplicate in the manner prescribed by article 1236 of the code of civil procedure; one of such duplicates shall remain deposited with the said prothonotary and the other shall remain in the custody of the said priest, missionary or minister, and any extract from either of such authenticated duplicates, certified as such by the said prothonotary or by the said priest, missionary or minister shall be held and deemed to be authentic, and make proof without further evidence.

2. From and after the said first day of January, one thousand eight hundred and seventy-two, the voluntary keeping of any register of civil status in the said part of the district of Saguenay shall be subject and shall subject the person keeping the same to the requirements of articles 39, 40, 41, 42, 43, 44, 46, 48, 49, 50, 52 and 53, of the civil code, and to articles 1236, 1237, 1239, 1240 and 1241 of the code of civil procedure.

3. Every duplicate register to be so voluntarily kept, before it is used, must, at the instance of the party keeping it, be presented to the prothonotary of the superior court at the city of Quebec, to be by such prothonotary numbered and initialed in the manner prescribed by the code of civil procedure.

4. Within a delay of twelve months after the expiration of any year during which any such duplicate register shall have been so kept, the person who kept the same or who has charge thereof shall deposit with the prothonotary of the superior court at Quebec one of the said duplicates, the delivery of which shall be acknowledged by a receipt which the said prothonotary shall be bound to give free of charge.

5. And whereas the following parishes, in the districts of Beauce and Chicoutimi, have been canonically erected by ecclesiastical authority, at the request of the parties interested, and are, by the canonical decrees erecting them, described and defined as having respectively the extent and boundaries hereinafter mentioned, that is to say:

*Firstly.*—The parish of *Sainte Germaine du Lac Etchemin*, erected by a decree of the Archbishop of Quebec, dated the sixteenth day of February, eighteen hundred and sixty-nine, consists of certain portions of the townships of Ware, Cranbourne and Standon, situated in the county of Dorchester and district of Beauce, comprising a tract of land of about

nine miles and a-half in front, with an average depth of about seven miles and a half; bounded as follows, that is to say: Towards the south-east, partly by the line which separates the said township of Cranbourne from the township of Watford, partly by the river Famine, in the first and second ranges of the said township of Ware, partly by the line which divides the concession Langevin, south-east of the thirty-third lot, in the third, fourth, and fifth ranges of the said township of Ware; towards the north-east, partly by the line which separates the said fifth range from the sixth in the said township and partly by that which separates the fourth range from the fifth, in the said township of Standon; towards the north-west, partly by the river *des Fleurs*, in the first four ranges of the said township of Standon, and partly by the line which separates the third from the fourth range, in the said township of Cranbourne; towards the south-west, by the line which separates the twenty-ninth lot from the thirtieth, in all the ranges of the said township, from the fourth range inclusive to the fourteenth also inclusive, which borders upon the said township of Watford;

*Secondly.*—The parish of *Sainte Anne du Saguenay*, erected Ste. Anne du Saguenay. by a decree of the Archbishop of Quebec, dated the seventeenth day of February, eighteen hundred and sixty-three, consists of part of the townships of Simard and Tremblay, in the county and district of Chicoutimi, comprising a tract of land of about nine miles in depth, with a frontage varying from nine to twelve miles, bounded as follows, that is to say: Towards the east, by the river Valin; on the south, by the River Saguenay; on the west, by the river Shipshaw; on the north, by the unconceded lands of the Crown;

*Thirdly.*—The parish of *Notre-Dame du Lac St. Jean*, erected Notre-Dame du Lac St. Jean. by a decree of Messieurs Charles-Félix Cazeau and Elzéar-Alexandre Taschereau, Administrators of the Diocese of Quebec, dated the third of November, eighteen hundred and seventy, consists of part of the township of Charlevoix, Roberval, and Ouatichouan, in the county and district of Chicoutimi, comprising a tract of land of about nine miles and a-half in front, with an average depth of three miles, bounded as follows, that is to say: On the south-west, by the third range of the said townships of Charlevoix and Roberval, and by the fourth range of the said township Ouatichouan; on the north-west, by the line which divides the eleventh from the twelfth lot in the three first ranges of the said township Ouatichouan; on the north-east by the land known as the Indian Reserve in the said township and partly by Lake St. John; on the south-east by the River Ouatichouan;

*Fourthly.*—The parish of *St. Louis de Métabetchouan*, erect- St. Louis de

Metabetchouan ed by a decree of Messieurs Charles-Félix Cazeau and Elzéar-Alexandre Taschereau, Administrators of the Diocese of Quebec, dated the fourth day of November, eighteen hundred and seventy, consists of a part of the townships of Métabetchouan and Charlevoix, in the county and district of Chicoutimi, comprising a tract of land of about nine miles and a half in front, with an average depth of three miles; bounded as follows, that is to say: On the north-west, by the third range of the said townships; on the north-west by the river Ouatouchouan; on the north and north-east by lake St. John, on the south-east by the river Métabetchouan, which falls into lake St. John;

St. Jérôme du  
Lac St. Jean.

*Fifthly.*—The parish of *St. Jérôme du lac St. Jean*, erected by decree of Messieurs Charles-Félix Cazeau and Elzéar-Alexandre Taschereau, administrators of the Diocese of Quebec, dated the fifth day of November, eighteen hundred and seventy, consists of part of the townships of Métabetchouan and Caron, in the county and district of Chicoutimi, comprising a tract of land of about seven miles and a half in front, with an average depth of about six miles; bounded as follows, that is to say: On the north-west and north by lake St. John and *la belle Rivière*; on the east, partly by the line which separates the fifty-fourth from the fifty-fifth lot, in range A, of the township of Caron, partly by the line which separates the fifty-seventh from the fifty-eighth lot, in the north and south ranges, situate to the south of the said range A, partly by the line which separates the twenty-fourth from the twenty-fifth lot, in the first, second, third ranges of the said township of Caron; on the south partly by the line which separates the fourth from the fifth range, in the said township, and partly by the line which separates the second from the third range, in the said township of Métabetchouan; on the west by the river Métabetchouan; which discharges itself into Lake St. John;

St. Dominique  
de Saguenay.

*Sixthly.*—The parish of *St. Dominique de Jonquières*, erected by a decree of Messieurs Charles-Félix Cazeau and Elzéar Taschereau, administrators of the Diocese of Quebec, dated the seventh day of November, eighteen hundred and seventy, consists of part of the townships of Jonquières, Chicoutimi and Laterrière, in the county and district of Chicoutimi, comprising a tract of land of about seven miles in front, with an average depth of about six miles and a half; bounded as follows, that is to say: On the north, partly by the river Saguenay, from the line which separates the said township of Jonquières from the township of Kenogami, to that which separates lot thirty-seven from lot thirty-eight, in the first range of the said township of Jonquières; on the east by the westerly line of the said lot thirty-eight, to the south line of the said lot; thence towards the east, following the said south line,

to the tenth range of the said township of Jonquières; thence towards the south-west, following the westerly line of the said tenth range to the line which separates the fourteenth from the fifteenth lot, in the said tenth range; thence towards the east, following the said division line, between the said lots fourteen and fifteen, and that which separates lots numbers fourteen and fifteen, in the thirteenth range of the said township of Chicoutimi, to the line which separates the said thirteenth range from the twelfth in the said township of Chicoutimi; thence, towards the south-west, following the said division line between the said twelfth and thirteenth ranges, as well in the said township of Chicoutimi, as in the said township of Laterrière, to that which separates the ninth from the tenth lot, in the said thirteenth range of the said township of Laterrière; on the south, partly by the said division line between the said ninth and tenth lots, in the said thirteenth range of the said township of Laterrière, and partly by the line which separates the seventh from the eighth range, in the said township of Jonquières, starting from the said twelfth range of the said township of Laterrière, to the said township of Kenogami; on the west, by the said division line, between the said townships of Jonquières and Kenogami, from the said division line between the said seventh and eighth ranges, to the said river Saguenay;

*Seventhly.*—The parish of *St. Fulgence*, erected by a decree St. Fulgence. of Messieurs Charles-Félix Cazeau and Elzéar-Alexandre Taschereau, administrators of the Diocese of Quebec, dated the eighth day of November, eighteen hundred and seventy, consists of the township of Harvey, and parts of the township of Tremblay, comprising a tract of land of about eleven miles in front, with a depth of about eight miles; bounded as follows, that is to say: On the north-west, by the river Valin, on the north-east, by the line defining the depth of the said townships of Harvey and Tremblay; on the south-east, by the township of St. Germain; on the south-west by the river Saguenay;

And whereas, from the great distance at which the said parishes are situate from the city of Quebec, the seat of administration of the said diocese of Quebec, it would be exceedingly inconvenient and expensive to cause the said parishes to be erected for civil purposes by the commissioners for the said diocese;

Therefore, the parishes hereinabove mentioned, with the boundaries and extent therein assigned to them respectively, shall be, and are hereby recognized, erected and confirmed parishes for all civil purposes whatever, as fully, and with the same effect, as if they had been recognized, erected and confirmed by the proper commissioners for that purpose, under the laws in force in that behalf; And the said

Confirmation  
for civil pur-  
poses of the  
erection of  
above named  
parishes.



parishes shall, as regards any future alteration, dismemberment or division thereof, either for ecclesiastical or civil purposes, be subject to the same provisions of law, as if they had been erected, recognized and confirmed for civil purposes by the proper commissioners as aforesaid, and without this act.

Above descriptions of St. Dominique de Jonquières shall prevail notwithstanding proclamations erecting Notre-Dame de Laterrière and St. François-Xavier de Chicoutimi.

6. And whereas, the said parish of St. Dominique de Jonquières, as hereinbefore constituted, comprises, within the limits thereof, a part of the parish of Notre-Dame de Laterrière, civilly erected by proclamation of the governor-general of the late Province of Canada, bearing date the eighth day of March, eighteen hundred and fifty-nine, and also a portion of the parish of St. François-Xavier de Chicoutimi civilly erected by proclamation of the said governor-general bearing date the seventeenth day of October, eighteen hundred and fifty-nine, it is hereby enacted that notwithstanding the said proclamations, the description and delineation hereinbefore set forth shall prevail, and after the coming into force of this act, all that part of the territory included in the said description shall cease, for all civil purposes whatever, to form part either of the said parish of Notre-Dame de Laterrière, or of the parish of St. François-Xavier de Chicoutimi.

## CAP. IX.

An Act to amend chapter 109 and 110 of the Consolidated Statutes for Lower Canada, and to provide for the transfer of prisoners from one gaol to another.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

By proclamation of the Lieut.-gov. in council a gaol of one district may become also gaol of another and prisoners may be transferred.

1. The lieutenant governor in council may by proclamation, when he shall deem the same expedient for the purposes of the administration of justice, order that the common gaol of a district, shall be also the common gaol and the house of correction of any other district; and any prisoner confined in any of the gaols of such district, may, when the lieutenant-governor deems the same necessary, be transferred to any other gaol, with the same effect as if the offence or crime for which such prisoner is so confined, had been committed in the district, in which is situated such other prison; and any person arrested for any offence or crime, where imprisonment has been ordered by competent authority, may be imprisoned in one or the other of such prisons, with a like effect.

2. Every such person or prisoner shall be confined in such other prison, until he shall have been duly enlarged, according to law, or until he shall have been again brought back to the prison, whence he shall have been so transferred, to stand his trial before the proper court.

*Duration of imprisonment after transfer.*

2. A letter from the provincial secretary authorizing the transfer or return of the said prisoners or persons shall suffice, and in virtue thereof and of this act, the sheriff may transfer or bring back the said prisoners or persons, as the case may be, and he and his deputies, shall have, in relation to the said prisoners within the district to which they shall have been transferred, and within every district through which he shall pass with them, the powers which he or they possess in their own district; and the sheriff and the gaoler of the district, to the prison of which the prisoners are transferred, and their deputies shall have in relation to such prisoners, from the time of their being committed to the said sheriff or gaoler, the same powers which they would have possessed if the said prisoners had been in the first instance imprisoned within the gaol of the last mentioned district.

*Letter of provincial secretary to suffice for transfer; subsequent powers of sheriffs and gaolers.*

3. The lieutenant-governor in council may, when he shall deem the same expedient, order the construction in any district, of one or more prisons other than that already existing, or the acquisition or employment of one or more buildings suitable for the purpose to serve as gaols, and may declare such gaol or gaols, building or buildings to be common gaols and houses of correction for the said district, and any prisoner confined in any of the common gaols of such district, may be transferred therefrom, to any other common gaol of the said district, when the lieutenant governor deems it necessary, with the same effect, as if there had been but one common goal in the district, and any person arrested for any offence or crime, whose imprisonment shall have been ordered by competent authority, may be imprisoned in any of the common gaols of the said district.

*Lieut.-Gov. may cause other gaols to be also common gaols for a district.*

## C A P. X.

An Act respecting the Registry Offices in Montreal and Quebec.

[Assented to 24th December, 1870.]

WHEREAS, the apartments now occupied in the court houses of Montreal and Quebec by the registrars of the registration divisions of Montreal and Quebec respectively, have become insufficient since the plans and books of reference have been deposited in such two registry offices, and whereas there is no room in the said court-

*Preamble.*

houses available to enlarge the said offices, and thereby facilitate public access to the said plans and books of reference ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Lieut.-Gov. in council may order the building or purchase of registry offices in Quebec and Montreal.

1. The lieutenant-governor in council may order the construction, within the limits of the cities of Quebec or Montreal, as the case may be, of a building or edifice to avail as a registry office for either or both of the registration divisions of Quebec or Montreal, and may also order the purchase, or lease, or the use of a building or edifice suitable for the purpose aforesaid.

Transfer of office to be declared by proclamation.

2. When the lieutenant-governor is convinced, that a fire-proof vault, for the purpose of containing in safety the books and papers of the registry office, has been constructed to his satisfaction or exists within the said building or edifice and that the said building or edifice is prepared for the reception of the said registry office, the said lieutenant-governor in council, may declare by proclamation, that the registry office of the registration division of Quebec or Montreal, as the case may be, shall be transferred and kept in such edifice or building, either permanently or temporarily, from the day which shall be appointed in the said proclamation.

## C A P. X I.

Act to amend the law relating to the Recorder's Court of the City of Quebec.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Summoning of persons indebted to the city within the limits of the province.

1. The Recorder's Court of the city of Quebec may summon to appear before it any person residing within the limits of the province of Quebec, who may be indebted to the corporation of the said city for assessments, taxes or municipal dues of whatsoever nature ;

Delay of summons ;

2. When the defendant resides outside the limits of the said city, the delay between the day of service and that of the return of the writ of summons before the said court, shall be one day for every fifteen miles distance between the domicile of the defendant and the said city. The fraction of a mile shall not be computed ;

By whom served ;

3. If the defendant resides within the limits of the district of Quebec, the service may be made by any bailiff of the said court or of the superior court ;

4. When the defendant resides outside the limits of the district of Quebec, but within the limits of the said province, the service of the writ of summons shall be made by the sheriff or a bailiff of the superior court of the district in which the defendant is so resident.

2. The articles 2, 3, 4, 5, 7, 8, 10, 11, 18, 24, 54, 55, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 76, 77, 79, 80, and the articles from 615 to 631, inclusively, of the code of civil procedure of Lower Canada, shall apply, *mutatis mutandis*, as the case may be; to the recorder of the said city, and to the said recorder's court. Certain articles of the code of procedure applicable to the Recorder's Court.

2. The delay of summons in the case of seizure by garnishment after judgment (*saisie arrêt après jugement*) shall be the same as that in ordinary civil actions issued by the recorder's court.

3. The said recorder's court shall also have summary jurisdiction in cases of lease, use and occupation of stalls, markets, cattle stands or other immovable property of the said corporation for the recovery of the rent or of the sum due to the said corporation for the use and occupation thereof, and in every other case where in law the lessor or proprietor has a right to demand the resiliation of the lease or the ejectment of the tenant or occupant, in conformity with the provisions of article 1624 of the civil code of Lower Canada. Jurisdiction of the said court relative to leases of city property.

2. And the said court and the said recorder shall have and exercise for this purpose, all the powers and jurisdiction granted in this respect by law to the superior or circuit courts or to the judges thereof. Power of the said court in this respect.

4. The section forty-nine of the act twenty-ninth and thirtieth Victoria, chapter fifty-seven, is repealed, and the sub-sections two, three and four of the act twenty-fourth Victoria, chapter twenty-six, are hereby revived, but the said sub-section three is amended by adding after the words "in case of sickness or absence" the words "or of lawful recusation." Repeal of sec. 49 of 29 and 30 Vic., c. 57.

5. The said recorder's court shall have power to grant fees to the advocates or counsel practising before it in every civil suit, in all cases where complaint has been made or proceeding taken by a private individual either in his own name or in the name of the said corporation. The said court may also make a tariff of the said fees, subject nevertheless to the approval of the lieutenant-governor in council. Advocates' fees.

6. In every prosecution for fine or penalty instituted as mentioned in the preceding section, the said court may in its discretion, if such prosecution be dismissed, condemn such private prosecutor to pay all the costs incurred in such prosecution, and in default of payment, order that he be imprisoned for a term not exceeding one month, unless the said costs and costs of imprisonment be sooner paid. Payment of costs by prosecutor in certain cases.

## CAP. XII.

An Act to amend and extend the law respecting Education in this Province.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Sec. 23 of Q.  
32 V., c. 16  
amended.

1. The twenty-third section of the act of this province, thirty-second Victoria, chapter sixteen, intituled: "An act to amend the law respecting Education in this Province," is amended in so far only as regards the amount to be paid by the corporation of the city of Montreal, for the support of schools in the said city; and hereafter the corporation of the city of Montreal shall pay for the support of schools in the said city, in lieu of a sum equal to three times the amount of the share of the government grant to the said schools of the said city, as provided in and by the said section, a sum equivalent to one-tenth of a cent in the dollar, on the total value of the real estate taxable for the purposes of the said schools in the said city.

Secs. 5, 6, 7  
and 8 of 24 V.,  
c. 67, not to  
apply.

2. Sections five, six, seven and eight of the act twenty-fourth Victoria, chapter sixty-seven, which regulates the manner in which the council of the said city of Montreal, shall make each year the appropriations for the municipal expenditure of the said city, shall not apply to the special tax which the said corporation is authorized to levy for the support of the said schools.

School Commissioners  
may set aside  
moneys for a  
certain purpose  
notwithstanding  
sec. 35 of  
32 V., c. 16.

3. The said Roman Catholic and Protestant School Commissioners of the said city of Montreal, notwithstanding any provision to the contrary contained in the thirty-fifth section of the act thirty-second Victoria, chapter sixteen, may respectively set aside a portion of their revenues, not exceeding eight thousand dollars per annum, (including therein any proportion which they may have already set aside for such object,) for the purpose of acquiring real estate and constructing school houses in the said city; and all debentures which the said commissioners may hereafter issue to borrow any sum of money for the purchase of real estate and the construction of school houses in the said city, may be made redeemable in the twenty years next after the date of their issue, and not afterwards; and the said thirty-fifth section of the said chapter sixteen of the said statutes is hereby in consequence amended.

Debentures  
may be secured  
on real estate  
without regis-

4. It shall be lawful for the said commissioners to declare in and by the said bonds or debentures which they shall hereafter issue, that the same are secured by privilege.

and hypothec on all the real estate then their property, and in the case in which such declaration shall have been made, the said ~~bonds~~ or debentures shall be secured both as respects principal and interest on all the real estate then the property of the said commissioners, without the formality of registration in the registration office, articles 2084 and 2130 of the civil code to the contrary notwithstanding.

5. The following words: "A percentage not exceeding three per cent on the same sums received by them shall be allowed, not to exceed in all the annual sum of six hundred dollars," contained in the thirty-sixth section of the said chapter sixteen of the thirty-second Victoria hereinabove cited, are hereby repealed in so far as respects the said city of Montreal, and the following are substituted in their place and stead: "A salary not exceeding twelve hundred dollars per annum shall be allowed."

6. The secretary-treasurer of the school commissioners or trustees of dissentient schools, as the case may be, shall be bound to convene the annual meeting for the election of commissioners or trustees by public notice read and posted up, in the manner prescribed in and by the thirty-fourth section of chapter fifteen of the consolidated statutes for Lower Canada, and in the event of his neglecting to convene the same, he shall incur a penalty of not less than ten or more than fifty dollars, and all the provisions of the one hundred and twenty-first section of the said act shall apply to the said penalty; if there is no secretary-treasurer, or if he is absent from the municipality or incapable of acting, such section shall apply to the chairman of the school commissioners or trustees, and also in his absence to the senior commissioner or trustee.

7. Every father, head of a family or tutor, who refuses to give to the secretary-treasurer, the information required for the census of the children prescribed by the seventy-first section of chapter fifteen of the said consolidated statutes, or who makes a false declaration, shall incur a penalty of not less than five or more than twenty-five dollars, and the provisions of the one hundred and twenty-sixth section of the said statute, shall apply to the said penalty.

8. Sub-section two, of section thirty-four, of chapter fifteen of the consolidated statutes for Lower Canada, is amended, by striking out all the words after the word "commissioners," in the fourth line thereof, and by substituting the following words therefor: "the chairman of the school commissioners, or, in his absence, any one of the commissioners present who can read and write, chosen by the meeting, and, in their absence, any other person present who can read and write, chosen by the meeting, shall preside."

9. Notwithstanding anything to the contrary contained in section twenty-nine of the act thirty-second Victoria,

tration notwithstanding; articles 2084 and 2130 C. C.

Sec. 36 of 32 V., c. 16 amended.

Sec.-treasurer to convene meetings for election,

Penalty.

Penalty for refusal to give information for census of children.

§ 2, of sec. 34, of C. S. L. C., c. 16, amended

Notwithstanding sec. 29, of 32 V., c. 16,

Jews may choose panel on which their names shall be inscribed.

chapter sixteen, any person belonging to the Jewish persuasion, and owning real estate in either of the cities of Quebec or Montreal, shall be entitled, upon his delivering to the city treasurer a request in writing to that effect, to have his real property inscribed, at his option, upon either of the panels, number one or number two, mentioned in the said section.

Declaratory provisions :  
Boards of School Commissioners, of Quebec and Montreal, are corporations.

And it is further declared and enacted as, follows :

**10.** The Roman Catholic and Protestant Boards of School Commissioners of the cities of Quebec and Montreal have always been and now are bodies politic and corporate, and as such have always enjoyed and now enjoy all the rights and privileges of corporations, under the respective names of "The Roman Catholic Board of School Commissioners of the city of Quebec or Montreal, (as the case may be,) and "The Protestant Board of School Commissioners of the city of Quebec or Montreal, (as the case may be.)"

Certain statement of the assessment board of Quebec declared valid as if made under 22 V., c. 16.

**11.** The statement made by the assessment board of the city of Quebec, and deposited in the office of the city treasurer of the said city, since the coming into force of the said act, thirty-second Victoria, chapter sixteen, shall be held to have been drawn up under the said act and within the time therein prescribed, and to have been and to be legal and valid to all intents and purposes whatsoever, and the said statement, anything contained in the said act to the contrary notwithstanding, shall be deemed to have applied and to apply unto the whole period of time from the coming into force of the said act until a new statement shall have been made, completed, placed in the office of the said city treasurer, and due notice thereof given according to law, and every such statement so hereafter to be made shall continue in force until a new statement has been made and completed according to law.

Statements to continue in force until new ones are made.

Sum payable by Quebec for schools is due irrespective of any tax.

**12.** From the time of the coming into force of the said act thirty-second Victoria, chapter sixteen, the sum payable by the corporation of the city of Quebec, for the support of the schools in the said city, under the said act, has been and continues to be payable by the said corporation, to the said Roman Catholic Board of School Commissioners of the city of Quebec and to the said Protestant Board of School Commissioners of the city of Quebec, wholly irrespective of the imposition or collection of any tax whatsoever by the said corporation.

## CAP. XIII.

An Act to amend the Act 33 Vict., Chap. 28, respecting the Notarial Profession.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The second sub-section of the fourteenth section of <sup>§ 2 of Sec. 14</sup> the act thirty-third Victoria, chapter twenty-eight of this <sup>33 Vict., Chap. 28 amended.</sup> Province is hereby amended, by adding after the words "approbation of the board," the following words "of the President or Vice-President."

By striking out in the first line of the fourth section of the said act the word "thirty-nine," and inserting in lieu thereof the word "forty," and in the ninth line of the same section by striking out the word "Iberville" and adding after the word "Rimouski" in the eleventh line the following words "and two for the district of Iberville," and the board of notaries shall at its next meeting, appoint a resident notary in the district of Iberville, to be a member of the said board, who shall hold office and have the same powers and privileges as if he had been elected and appointed at the general meeting of notaries.

2. The third sub-section of the fourteenth section of <sup>§ 3, sec. 14</sup> the said act is amended, by adding to the first paragraph <sup>amended.</sup> the following words:

"And all arrears of contributions due to the late boards, are, and shall be the property of the Provincial Board."

3. The forty-first section is amended by adding the <sup>Sec. 41 amend- ed.</sup> following words:

"Every copy certified by the notary of any document annexed to the minute of one of his acts, shall be *prima facie* proof, and shall be considered as authentic."

4. The forty-eighth section is amended by adding after <sup>Sec. 48 amend- ed.</sup> the words "withdraw from office," in the eighth line, the following words, "or who is incapable of practising, or "who is declared or considered as not practising under and "by virtue of this act."

5. The fiftieth section is amended by adding after the <sup>Sec. 50 amend- ed.</sup> word "county" in the fifth line, the following words: "or of cashier or assistant-cashier, or clerk of any bank, monetary or commercial concern whatever."

6. The fifty-second section is amended by striking out <sup>Sec. 52 amend- ed.</sup> the words "lawfully convicted," in the eleventh line of the said section and substituting the words following, "convicted before it."



And by striking out in the fifth line the word "clerk," and in the twelfth line of the same section by striking out the word "clerk."

Sec. 52 further amended.

7. The fifty-second section is further amended by adding after the words "as a notary," in the seventh line, the words following, "as also those which may be passed by any notary considered as not practising under this act."

2. The deeds and contracts passed by a notary exercising his profession, contrary to the provisions of this act in the offices of a prothonotary or registrar, shall have no authenticity and shall only have effect as writings under private signature, and the said provincial board of notaries may deprive of office any notary who shall be legally convicted of having exercised his profession in the office of prothonotary or registrar.

Sec. 33 amended.

8. The fifty-third section is amended by adding the following sub-section :

"And all notaries who, within the said delay, shall not have transmitted and caused to be registered such declaration, shall be considered as not practising, and shall be bound to submit to the provisions of section forty-eight of this act."

§ 2, sec. 36 repealed.

9. The second sub-section of the fifty-sixth section is hereby repealed, and the following substituted :

4 "The fixed contribution above mentioned, may be increased or decreased by a by-law of the said board of notaries, if thought expedient or necessary to meet their expenses."

Sec. 36 amended.

10. The fifty-sixth section, is amended by adding the following words which shall form the fourth sub-section thereof :

4. "The financial year of the Provincial Board shall commence on the first of March, and the arrears of contributions due to the late boards, are to be calculated *pro rata* from the date of the formation of each of the late boards to the time when this act shall come into force (1st March, 1870.) from which last day the contributions payable to the Provincial Board shall commence to run."

Sec. 57 amended.

11. The fifty-seventh section is amended by striking out all the words in the said section from the word "Rhetoric" to the end thereof, and substituting the words following, "physics, mathematics and philosophy inclusively." The section fifty-seven is amended by adding after the last word of said section the following words, "Nevertheless any notarial law student having, after examination, obtained a certificate of admission to the study of the profession from one of the late boards of notaries may avail himself of such examination and of such certificate to enter into articles of clerkship and to perform his studies with a practising notary without being bound to undergo another examina-

tion before the Provincial Board of Notaries now in existence.

19. The fifty-ninth section is amended by the addition of a sixth sub-section in the following words: Sec. 59 amended.

6. "Examinations of candidates to study or practise, How examination of candidates shall be held. shall be held either by the board itself or by committees of examination, the chairmen of which shall be appointed by the person who shall preside at the meeting of the board, and each of the chairmen shall select from the members present four persons or more who shall form a committee. But nothing shall prevent any member of the board from attending the meetings of these committees, and of putting questions to the candidates under examination before any of the committees in like manner as if he were member of the same. Every chairman of a Committee shall take notes in writing of the answers whether correct or incorrect of the candidate, and shall report the same to the chairman of the meeting."

12. The fifty-ninth section is further amended by adding the following, which shall form the seventh sub-section. Sec. 59 further amended.

7. "A candidate for admission to the practise of notary who shall be refused three times on account of incapacity, shall not be admissible for further examination nor to be admitted as a notary."

14. The sixty-second section is amended by striking out all the words which follow the words "notarial board," in the eighteenth line of the said section; to the words twenty-five dollars inclusive, and by substituting the following words, "provided that he has conformed in all other respects to the requirements of the law." Sec. 62 amended.

"Every candidate," who was regularly and law-fully indentured on the first March, one thousand eight hundred and seventy, shall pay to the treasurer of the board of notaries, the sum of twenty-five dollars for his certificate of admission to the practise of the profession. Besides fulfilling the other formalities required by law. Obligations of students indentured on 1st March, 1870.

"Every candidate who, on the first of March, one thousand eight hundred and seventy, is not a notarial student admitted to study, shall not practise as a notary, unless he shall have obtained, in addition to his certificate of admissibility from the provincial board of notaries, a commission from the lieutenant-governor under the seal of the province, appointing him a notary and permitting him to practise as such in the said province, which commission shall be granted whenever the candidate who demands the same, shall have proved to the lieutenant-governor that he has fulfilled all the conditions required by law, by producing for this purpose his certificate of admissibility from the said provincial board of notaries, and by paying for the said commission to the treasurer of the province and to the treasurer of the said board, the sum of twenty-five dollars each. Commission to be required hereafter to practise as a notary. Condition required to obtain commission.

Sec. 64 amended.

15. The sixty-fourth section is amended by adding a subsection in the following words:

"All indentures and transfers of indentures shall be enregistered at the office of the secretary of the board, within thirty days of their date, in default of which such indentures or transfers of indentures shall be null and void. It shall, nevertheless, be lawful for the board of notaries, to allow the enregistration of all such acts or instruments, after the expiration of the said delay of thirty days, on petition addressed to the said board by the person in default, who in that case shall pay a fine of ten dollars. Provided always, that such enregistration be made at least six months previous to the expiration of such indenture.

New section added to c. 64.

16. The following section is added after section sixty-four:

"Nothing contained in this act shall prejudice the right of any student, who may have commenced his clerkship before the first day of March, one thousand eight hundred and seventy, in respect to the time or period which he was bound to serve as a notarial clerk."

Sec. 65 amended.

17. The sixty-fifth section is amended by adding the following words:

"For the enregistration of every indenture and transfer one dollar for the first four hundred words, and ten cents for each additional hundred words."

Sec. 66 amended.

18. The sixty-sixth section is amended by striking out all the words after the word "custody" and substituting the following: "one dollar for each copy not exceeding four hundred words, and ten cents for every additional hundred words, and fifty cents for each certificate of a copy or annexed documents,—twenty cents for a search of an act or other document, provided the year in which the same was passed be given, and if the year be not given, fifty cents for each five years through which the search may extend, either in the repertory or in the index. The same fees shall be paid to notaries who have become proprietors of minutes under and by virtue of sections forty-two, forty-four and forty-five of this act."

#### CAP. XIV.

An Act to amend the Gold Mining Amendment Acts of 1868 and 1870.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Gold mining amendment

1. The second section of the Gold Mining Amendment Act of 1868, is amended by inserting after the words

"forfeiture of licenses" in the twenty-third line thereof, act of 1868,  
the following: "which he may refuse to grant or rescind." amended.

2. After the word "division" in the second line of the Gold mining  
first section of the Gold Mining Amendment Act of 1870; amendment  
and also, after the word "province" in the second line of act 1870,  
the second section thereof, the following words are added: amended.  
"or owning the mining right in any part of any such divi-  
sion in virtue of letters patent heretofore issued."

## CAP. XV

An Act to extend the period during which Aid may be  
granted to Colonization Societies.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent  
of the Legislature of Quebec, enacts as follows:

1. The period of three years from the passing of the Colo- Extension of  
nization Societies' Act, which is fixed by the eleventh sec- period fixed by  
tion of the said act, as the time during which aid shall be sec. 11, of 32  
granted to such societies, is hereby extended, so that such V. c. 14.  
aid shall be granted during the period of four years from  
the end of the present financial year.

## CAP. XVI.

An Act to amend the law relating to Mutual Insur-  
ance Companies.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent  
of the Legislature of Quebec, enacts as follows:

1. It shall be lawful for any mutual insurance company Mutual Insur-  
established in and for any county or any two or more ance com-  
counties, under the provisions of the act, chapter sixty-eight, panies may  
of the consolidated statutes for Lower Canada, or of any name agents  
act amending the same, in availing themselves of the for certain  
powers conferred by the third sub-section of the fourth purposes.  
section of the said act, to appoint a local agent or agents in  
any county or municipality, other than the county or  
counties or municipality for which such company has been  
established, to receive applications from persons desirous  
of becoming members of such insurance company, and ap-  
plications made to such agent or agents shall have the  
same effect and subject the applicants and the company

to the same responsibilities as like applications now have and do, which are made to a local agent within the county or counties or municipality for which such company is established.

Persons unable to write may sign with their mark before a witness.

2. Notwithstanding any thing contained in the eleventh section of said cited act, any person applying for insurance who cannot write, may sign the application, deposit note, or any other document necessary to be signed by him, with his mark, in the presence of one witness, after such application, deposit note, or other document has been read to him, and it shall be competent for any agent of the insurance company to become such attesting witness, and such signature by a mark made in the presence of a competent witness, shall have the same effect in a court of justice as a signature made in the handwriting in full, of a person capable of writing, and the denial thereof shall be subject to the provisions of article 145 of the code of civil procedure; and the production of such signature attested by a witness shall be *prima facie* evidence, that the application, deposit note or other document has been signed in the manner herein required in presence of a competent witness, unless proved to the contrary.

Such signature to be *prima facie* evidence.

Mutual Insurance Companies may name an expert in case of fire.

3. Whenever it shall appear to the directors of a mutual insurance company, after being notified of any loss or damage by fire having occurred to any property insured, that doubts exist as to whether there has been fraud or misrepresentation in connection with such insurance or the cause of the fire, it shall be lawful for them to name an expert to act under the provisions of the said cited act with other experts to be appointed without offering any sum which they are willing to pay on account of such loss, and without admitting or refusing the claim, and in such case the experts in the manner pointed out by the said act may investigate and report as to whether such claim ought to be admitted either in whole or in part, and if in part to what amount, and the evidence taken in writing by such experts shall accompany such report.

Actions against companies to be instituted in the district where place of business is.

Proviso.

4. And it is hereby declared and enacted that the cause of action based upon a policy of insurance issued by any mutual insurance company established under the said cited act, shall be held to be and to have been in the district wherein such company has its office and general place of business; provided that any suits already instituted and now pending shall be determined as if this act had not been passed.

Application of 24 Vic., cap. 32, sec. 4.

5. Section four of the act twenty-fourth Victoria, chapter thirty-two, shall apply in like manner to companies established under the provisions of the said act, chapter sixty-eight.

This act and

6. This act and the said act, chapter sixty-eight, shall be

deemed to form one act and to be applicable to companies <sup>chap. 68, to</sup> established under the act twenty-fourth Victoria, chapter <sup>form one act.</sup> thirty-two, in the same manner as the provisions of the said chapter sixty-eight, were applicable to such companies.

## CAP. XVII.

An Act to amend "The Cemetery Companies' Incorporation Act of 1870."

[Assented to 24th December, 1870.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The first and the fifth sections of "The Cemetery Companies' Incorporation Act of 1870" are hereby amended by <sup>33 Vict., c. 31</sup> substituting, in the fourth line of the said first section, and <sup>sec. 1, amended.</sup> in the thirteenth line of the said fifth section the words "twenty-five arpents" for the words "five arpents."

## CAP. XVIII.

An Act to encourage the introduction and establishment of new Manufactories in this Province.

[Assented to 24th December, 1870.]

**W**HEREAS, the introduction and establishment of new <sup>Preamble.</sup> manufactories in this province, would tend greatly to develop its productive resources, and increase its prosperity: Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. For the purpose of encouraging the introduction and establishment of new manufactories of all kinds within its limits, it shall be lawful for any incorporated city, town, or village, through its municipal council, to exempt from all taxes, assessments and municipal imposts whatsoever; for a space of time not exceeding ten years, any manufactory which any individual, commercial firm, or corporation, may undertake to establish within the limits of such municipality, and such exemption shall extend, not only to the buildings and grounds used by such manufactory, but also to all the movables and machines employed in such manufactory, as well as to all articles manufactured therein. <sup>Municipal Councils may exempt from taxes manufactories to be established within their limits.</sup>

2. Any person desiring to establish a manufactory shall ask or obtain the permission of the municipal council, shall <sup>Permission to be obtained from council.</sup>

state the nature of the manufacture, its locality, the extent of the intended site, and whether he intends to use steam power, and such permission shall not be given unless previous notice be given by the person applying therefor to the said council, and the council may make a by-law for the purpose, which by-law must be brought before the council at two different meetings thereof, and when the by-law is agreed to, it shall be equivalent to a contract in favor of the the proprietors of the manufactory therein mentioned, their heirs and assigns, for all the time specified in such resolution.

The exemption may, in certain cases, be granted to pre-existing manufactories.

3. In any case in which the exemption from taxes as hereinabove mentioned, in favor of a new manufactory, would prejudice the interests of any manufactory already established, or would create an undue privilege against the latter, it shall be lawful for the municipal authorities to grant the same, or a proportionate exemption to every such pre-existing manufactory.

Application of this act.

4. The word "manufactory," in this act, shall not apply to any flour-mill, gas-works or distillery.

## CAP. XIX.

An Act respecting the clearing of Lands, and the protection of Forests against Fires.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS, it is expedient to determine the periods of the year during which fires may be lighted in forests, for the purpose of clearing or improving lands; and whereas it is further necessary to protect forests against fires; Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts, as follows:

No one to set fire to trees, &c., standing.

1. No person shall, at any time, set fire to or cause to burn, any tree, shrub or other plant, growing or standing in any forest, or at a distance of less than one mile from any forest.

No one to set fire to trees, &c., felled, except, &c.

2. No person shall set fire to, or cause to burn, any pile of wood, branches or brushwood, or any tree, shrub, or other plant, which shall be situate or felled in the forest, or at a distance of less than a mile, or any turf, peat, stumps, fallen trees or other timber, at any period of the year, for any cause or pretext whatsoever, except for the purpose of clearing lands, and in such latter case, only between the first day of September and the first day of July.

Fires may be made for certain purposes.

3. Notwithstanding the preceding provisions, it shall be lawful to make a fire in or near the forest to obtain warmth,

and for cooking or other necessary objects, or for all industrial purposes, such as the manufacture of tar, turpentine, charcoal, or making of ashes, for the manufacture of pot or pearl ash, provided that the obligations and precautions imposed by the following section are observed. Proviso.

4. Every person who shall, between the fifteenth of May and the fifteenth of October, make a fire in the forest or at a distance of less than half a mile therefrom, for the purposes mentioned in the preceding section, must : Precautions to be observed by persons making fires.

1. Select the locality in the neighborhood in which there is the smallest quantity of vegetable matter, dead wood, branches, brushwood, dry leaves, or resinous trees ; Selection of locality ;

2. Clear the place in which he is about to light his fire, by removing all vegetable matter, dead trees, branches, brushwood and dry leaves from the soil, within a radius of twenty-five feet, as regards fires made for the necessities of any industry, as mentioned in section three, and within a radius of four feet as regards fires made for the other necessary objects mentioned in the said section ; Clearance of the place within a certain radius ;

3. Totally extinguish the fire before quitting the place. Extinguishing the fire.

5. Any person who shall throw or drop on the ground, in any place whatsoever, whether in the forests, open fields, or other place, any burning match, ashes of a pipe, cigars or part of a cigar, or any other burning substance or who shall discharge any fire-arm, shall be bound, under the pains and penalties imposed by this act for his neglect so to do, completely to extinguish, before leaving the spot, the fire of such match, ashes of a pipe, cigars or part of a cigar, or the wadding of such fire-arm. Persons dropping burning substances shall extinguish them at once.

6. Any person contravening any of the provisions of this act, shall be liable upon conviction before any justice of the peace, to a penalty not exceeding fifty dollars, and in default of payment of the said penalty, and costs of suit, with or without delay, to be imprisoned in the common gaol of the district wherein he shall be convicted, for a period not exceeding three calendar months, unless the said penalty and costs of suit, together with the costs of apprehension and conveyance of the said offender, to the said common gaol, be sooner paid, or to be imprisoned in the said common gaol, for a period not exceeding three calendar months ; or to be condemned for each such offence, to the said penalty and further to the imprisonment hereinabove mentioned, with costs of suit in all cases. Penalty, &c., for contravening this act.

7. Any person of full age, may prosecute for any contravention of this act, and one half of the penalty, in case of conviction, shall belong to the prosecutor, and the other half to the government of this province, to form part of the consolidated revenue fund of the same. Who may prosecute. Application of penalty.

8. Every suit for contravention of this act, shall be commenced within the three calendar months, immediately following such contravention and not afterwards. Limitation of prosecution.



Justices or certain others may impose penalty on view.

9. Any justice of the peace who shall himself view any contravention of this act, may impose the penalty therefor without other proof, and, for the purposes of this act, all agents for the sale of crown lands, all employees of the department of crown lands, all sworn land surveyors, and all wood-rangers employed by the department of crown lands, shall be *ex officio* justices of the peace.

10. The act of the parliament of this province, thirty-third Victoria, chapter thirty-six, is hereby repealed.

## C A P . X X .

An Act to amend the Quebec Railway Act, 1869.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Sec. 14, of Quebec Railway Act, 1869, amended.

1. The Quebec Railway Act, 1869, is hereby amended by adding the following paragraph at the end of section fourteen of the said act :

“ 22. Whenever, by the terms of any special act incorporating any wooden or iron railway company, it is required that a certain proportion of the stock of such company shall have been subscribed before the calling of a meeting of shareholders for the purpose of electing directors, it shall be sufficient that such proportion of stock shall have been subscribed before such election takes place, even though it was not subscribed when such meeting was called, and every election already had under any such special act shall be valid, provided that before it took place, such proportion of stock had been subscribed.”

No mayor, &c., of municipality, holding stock to vote at elections of directors.

2. No mayor, warden or other chief officer, or other person or persons representing any municipality, or corporation of any city having or taking stock in any railway company shall, directly or indirectly, vote on the election or appointment of the directors of any railway company incorporated previous to the passing of this act, or which may hereafter become incorporated.

## C A P . X X I .

An Act to provide for the granting of certain lands in aid of the Railway Companies therein mentioned.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. From and out of the public lands of this province certain lands hereinafter mentioned, forming a superficies of three million two hundred and eight thousand and five hundred acres, are hereby set apart for the purposes of this act, that is to say: all the lands described in the schedule to this act, under the designations of blocks A, B, C and D, and comprised within the four blocks or extents of territory colored in red and marked respectively A, B, C and D, upon a certain lithographed copy of a map of the province of Quebec, drawn at the crown lands department of this province, by Eugène Taché, assistant commissioner of crown lands, and dated Quebec, eighteen hundred and seventy, which lithographed copy is filed in the office of the clerk of the legislative council of this province, to remain of record for all the purposes of this act, and copies of which, in full, or on a reduced scale, certified by the said clerk shall be deemed authentic for all legal purposes.

3,208,500 acres  
of land set  
apart for the  
purposes of  
this act.

2. The lieutenant-governor in council, may, subject to the provisions of the next following section, grant to the North Shore Railway and Saint Maurice Navigation and Land Company, now to be called the North Shore Railway Company, for building the north shore railway from Quebec to Montreal and the road to the Grandes Piles, and the establishment of a line of steamers on the St. Maurice, as mentioned in the act of the late province of Canada, intitled: "An act to incorporate the St. Maurice Railway and Navigation Company," two millions of acres of land, to be chosen and allotted by the lieutenant-governor in council on the report of the commissioner of crown lands, from within the said blocks A, B, C, and D, in a corresponding proportion, as regards quantity and quality, to those granted under this act for the construction of a railway from Montreal to Aydmer.

200,000 acres  
of such land on  
certain condi-  
tions may be  
granted to  
North Shore  
Railway Com-  
pany.

3. The company shall be entitled to such grant on the following conditions only:

Conditions on  
which grant  
may be made.

1. The said railways shall have been completed and put in operation to the entire satisfaction of the lieutenant-governor in council, and steam navigation shall have been put into operation on the St. Maurice; but the lieutenant-governor in council, if he thinks proper, may nevertheless, when it is established that the said company is actively engaged in the construction of its works, grant to it, for each twenty-five miles of road completed, a portion of the said lands proportionate in extent to such length of road;

2. The lieutenant-governor in council shall have the appointment of one-third of the directors of the said company, without counting the *ex-officio* directors, or directors representing municipalities, and no city, town or municipality shall be represented in the said company by a greater number of directors than the lieutenant-governor in council.

Former grants  
&c., revoked.

4. All grants of land made to the said Company or to the St. Maurice Railway and Navigation Company by different acts passed by the parliament of the late province of Canada, and the assurance of aid given by the colonization railway aid act of 1869 for the construction of a wooden railway between Three Rivers and the Grandes Piles, are hereby revoked and repealed.

10,000 acres  
per mile may  
be granted on  
certain con-  
ditions to  
Montreal  
Northern  
Colonization  
Railway Com-  
pany.

5. The lieutenant-governor in council may, subject to the provisions of the next following section, grant to the Montreal Northern Colonization Railway Company for building a railway from Montreal to Aylmer upon the North Shore of the Ottawa, ten thousand acres of land for every mile of such railway, to be chosen and allotted by the lieutenant-governor in council, on the report of the Commissioner of Crown Lands, from within the said blocks A, B, C, and D in a corresponding proportion, as regards quantity and quality to those granted, under this act for the construction of the North Shore Railway as aforesaid.

Conditions on  
which grant  
may be made.

6. The said Montreal Northern Colonization Railway Company shall be entitled to the said grant on the following conditions only:

1. The railway from Montreal to Aylmer shall have been completed and in operation; but according as the company shall have completed twenty-five miles of the railway, the lieutenant-governor in council may, if he think proper, grant to it a proportionate quantity of the said lands at the reduced rate of five thousand acres for each mile completed within the section extending from Montreal to Grenville, and at a proportionately increased rate for every mile completed within the section between Grenville and Aylmer;

2. The said railway shall connect with the said North Shore Railway from Quebec to Montreal at such point as shall be determined by the lieutenant-governor in council;

3. The lieutenant-governor in council shall have the appointment of one-third of the directors, of the company without counting the *ex-officio* directors or directors representing municipalities, and no city, town or municipality shall be represented in the company by a greater number of directors than the lieutenant-governor in council.

Q., 32 V., c.,  
52, not to ap-  
ply to a certain  
portion of said  
railway.

7. The Colonization Railway Aid Act of 1869 shall no longer apply to such portion of the said Montreal Northern Colonization Railway as shall form part of the route from Montreal to Aylmer.

10,000 acres  
per mile may  
be granted to  
Quebec and  
New Brun-  
swick Railway  
Company, from  
certain town-  
ships.

8. The lieutenant-governor in council may, subject to the provisions of the next following section, grant to the Quebec and New Brunswick Railway Company ten thousand acres of land for every mile of its railway built between the frontier of this province and River du Loup, or Kamouraska, or any intermediate point between those two places, to be chosen and allotted by the lieutenant-governor

in council on the report of the commissioner of crown lands, from within the townships of Packington, Bottsford and Robinson, and the territory adjoining the boundary-line between this Province and New Brunswick to the east of the said railway.

9. All tracts of lands actually held under license for the cutting of timber, comprised within the boundaries of blocks B. C. D., described in the schedule to this act, as here- Certain timber limits not to be comprised in lands granted. inbefore mentioned, shall be excepted therefrom, and a superficies corresponding to the deficiency created by such limits now in existence shall be set apart for the purposes of the said grant out of the unoccupied lands of the Crown in the nearest neighborhood to the said blocks B. C. D.

10. The said last mentioned company shall not be entitled to the said grant unless the said last mentioned railway shall have been completed and in operation as far as River du Loup or Kamouraska, or any intermediate point between those two places; but according as the company shall have completed twenty-five miles of railway, the lieutenant-governor in council may, if he think proper, grant to it a proportionate quantity of the said land. Conditions previous to making of the grant.

11. Any grant made to the said Quebec and New Brunswick railway company shall be made upon the condition that one-half of the lands so granted shall be conceded by the company to settlers who shall occupy and clear the same, the whole in conformity with such conditions and at such prices as shall be fixed by the lieutenant-governor in council, upon the report of the commissioner of crown lands; but such price shall not be less than one dollar for each acre. Further condition.

12. The delay mentioned in the second section of the colonization railway aid act of 1869, is hereby extended to the first day of July, one thousand eight hundred and seventy-five. Delay of sec. 2, of 32 V., c. 52, extended.

13. The said colonization railway aid act of 1869, and the extension of delay mentioned in the preceding section, shall apply to the railway of the St. Francis and Megantic international railway company, incorporated by an act of the parliament of Canada, as fully and effectually as if the said railway had been originally included and named in the colonization railway aid act of 1869, but only for the length thereof which commences where the said railway leaves the line of the Grand Trunk Railway; and the said last mentioned act shall no longer apply to the St. Francis Valley and Kennebec railway. Said act to apply to St. Francis and Megantic International Railway Company.

14. The aid provided for in favor of the Richelieu, Drummond and Arthabaska Counties Railway Company by the colonization railway aid act of 1869, shall likewise apply and extend to any of the lines of railway mentioned in the act of the present session, intituled: "An Act to amend the charter of the Richelieu, Drummond and Artha- Extension of the aid granted to Richelieu Drummond and Arthabaska Railway Company.

baska Counties Railway Company," provided no such aid shall be paid or payable upon any greater length of road than shall be completed, nor be extended in any case to more than one hundred and fifty miles.

Iron rails may be substituted for wooden without prejudicing aid.

15. Iron rails may be laid instead of wooden rails on any of the railways mentioned in the said colonization railway aid act of 1869, without affecting the right of obtaining the aid thereby assured for the construction of such railway.

Lands may be reserved for roadway and stations of railways.

16. The lieutenant-governor in council may reserve for himself and also for any railway company to whom he may grant the same, the right of taking, without compensation, upon any lands granted under this act, as much land as may be deemed necessary for the roadway and stations of any railway that may pass over the lands so granted.

Railways to be commenced before 1st May, 1873.

17. In case any one of the above named companies shall not have *bona fide* commenced to build its railway within two years from the first day of May next, it shall forfeit all claim to lands under this act.

Sec. 11 and 15, of Canada, 33 V., c. 56, confirmed.

18. Sections eleven and fifteen of the act incorporating the Québec and New Brunswick Railway Company, that is to say, the act of the parliament of Canada, thirty-third Victoria, chapter fifty-six, including the schedule connected with the said section fifteen, are hereby, in so far as they relate to matters and subjects within the jurisdiction and control of the legislature of this province confirmed and enacted as fully and effectually as if the provisions thereof were herein enacted at full length and shall have effect notwithstanding article 2180 of the Civil Code.

2130 Civil Code

## SCHEDULE.

### BLOCK A.

The territory included in this designation being situate in the county of Pontiac, at the western extremity of this province, and being traversed by the principal branch of the Ottawa river, and by that of the river called the Abitibi, is bounded as follows, that is to say :

Beginning at the point of intersection of the meridian of the mouth of the river Blanche, on lake Temiscamingue, with the rear line of the Indian reserve, situate between such last mentioned river and lake des Quinze, at the point A, as set forth on the map hereinabove mentioned ; thence prolonging such meridian line for a distance of 31 miles or thereabouts to the height of land separating the waters of the St. Lawrence from those of Hudson's Bay to B ; thence following a line running north, 71° east, astronomically a distance of 64 miles, to C ; thence in a true southerly direc-

tion, a distance of 80 miles to D, thence, following a western course, astronomically, a distance of 23 miles or thereabouts, to the intersection of the most southerly bay of lake Missizowaja, at the point E; thence skirting the eastern and northern shore of the said lake, and that of lake des Quinze, until opposite the point at which it discharges itself, by means of the river of the same name, at the place designated by the letter F; thence pursuing a course usually north, to G, to the stake planted by the Surveyor, Charles Bouchette, in 1854, to mark the north-east angle of the Indian reserve aforesaid; thence following the northern boundary of the said reserve, to its intersection with the meridian of the mouth of the river Blanche, to the point of departure at A, a distance of  $15\frac{1}{2}$  miles or thereabouts.

The said block A, comprising an extent of territory of 1,827,400 acres in superficies.

### BLOCK B.

The territory so designated, including the island of Lake Edward, and watered by the river Batiscan and by the river known as the Pierre river, being situate partly in the county of Portneuf and partly in the county of Quebec, is bounded as follows, that is to say:

Beginning at the letter A on the said plan to the point of intersection of the line of survey drawn during the summer of 1870, by the Surveyor Ignace Dery, with the north bank of the river Pierre, from thence following such said line, so already established, for a course north 45° west, astronomically, to the river Batiscan, a distance of 10 miles and 35 chains, and pursuing in the same direction a distance of about 9 miles to the line of survey drawn by the Surveyors Eugène Casgrain and H. Legehdre, in 1869, to the point B, from thence at a right angle following the said line of survey a distance of about 3 miles to D, to its junction with the south-western branch of the river Batiscan, known as the river Jeanotte, and ascending the left bank of the said river and following the windings thereof to its source in Lake Edward, and skirting the south shore of such lake to its eastern extremity, and ascending to its source (at the place marked D,) the little river which discharges itself at such place. From this point, the said block to be bounded towards the north by a line running true east about 2 miles to the point E, situate at 6 miles at right angles to the general course of the river Métabetchouan, then at the said distance following parallel thereto, in a south and south-westerly direction, the course and windings of the said river to lake aux Rognons, and thence, by prolonging, at the said distance of six miles, a parallel line to the survey of the continuation of the Gosford road fixed

by the Surveyor E. Casgrain, to the point of meeting the river Pierre, at the point F, and descending the course of the said river, to its intersection with the line of survey of Mr. Déry, at the point of departure already mentioned.

The said Block B, comprising 319,440 acres.

#### BLOCK C.

Situate in the county of Montcalm, bounded as follows, that is to say :

Beginning at a distance of 10 miles from the north-western angle of the Township of Doncaster on the division line between the counties of Argenteuil and Montcalm, at the north-western angle of the proposed Township of Archambault, at the point A on the said map, following the said line, and, in continuation, the line dividing the districts of Montreal and Ottawa, to its meeting with the principal branch of the *Rivière Rouge*, a distance of about 26 miles in B ; thence ascending the course of the said principal branch to a point of intersection with the line between the counties of Montcalm and Joliette, in C ; thence, following such line on a course, astronomically south, 450. east, for a distance of  $34\frac{1}{2}$  miles to the north-east angle of the proposed Township of Lussier, to about ten miles from the north-east angle of that of Chilton, in D ; thence following the rear line of the said proposed townships of Lussier and Archambault, a distance of 20 miles, to the point of departure in A.

The said Block C, comprising an area of 371,200 acres in superficies.

#### BLOCK D.

This extent of territory, situated on the eastern bank of the river St. Maurice, partly in the county of Champlain and partly in that of Chicoutimi, is bounded as follows, that is to say : Beginning at the mouth of the *Grand Rivière Pierriche*, on the St. Maurice, about 10 chains from the 64th mile post planted by Surveyor Bignell in 1848, at the time of his survey of the said last mentioned river, at the point A. on the said map ; thence, following the meridian of the mouth of the said *Grand Rivière Pierriche*, a distance of 37 miles to B, from such place, at right angles with the said meridian, on a course west astronomically, a distance of nearly 87 miles to the point of meeting the river St. Maurice, in C. Thence descending the left bank of the said river and following all its windings in a direction usually south and south-east, to the point of departure at the mouth of the said *Grand Rivière Pierriche*, at the place marked A, and already described.

The said block D, comprising an area of 685,466 acres in superficies.

## CAP. XXII.

An Act to extend the period for the completion of the works of the North Shore Railway and St. Maurice Navigation and Land Company.

[Assented to 24th December, 1870.]

**W**HEREAS, it is expedient to extend the period during which the North Shore Railway and St. Maurice Navigation and Land Company may complete their works; and that the said company have by their petition to the legislature, prayed for such extension of time and for other provisions in their favor; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Notwithstanding anything to the contrary in the act of the parliament of the late province of Canada, twenty-ninth and thirtieth Victoria, chapter ninety-five, or in any other act or law, the said North Shore Railway and St. Maurice Navigation and Land Company may continue the construction of their railways and other works after the first day of January, in the year of our Lord, one thousand eight hundred and seventy-two, by which day they were bound to complete the same under the said act; but the said railways and works of the said company shall be completed on or before the first day of May, in the year of our Lord, one thousand eight hundred and seventy-seven, and the said act and the acts in any way relating to the said company, or to the North Shore Railway Company, or to the St. Maurice Railway and Navigation Company, in so far as they are not inconsistent with the present act, shall be and remain in force until the day last mentioned, as if the said day had been fixed by the last mentioned act as that on or before which the said works should be completed, and as if all the provisions of such acts had been as they are hereby re-enacted by the legislature of this province, except that the said company abandons all claim to the public lands to which they might have had right in virtue of the said act in consideration of two million acres of other lands, which are given in the place of the old lands granted by an act passed during the present session of the legislature of this province on certain conditions therein stipulated, and intituled, "An Act to aid in the construction of certain lines of railways therein mentioned."

*Extension of  
delay prescrib-  
ed by 29, 30  
V., c. 95,  
until 1st May,  
1877.*

2. The original share books having been either lost or burnt, the company shall be bound, within the fifteen days following the passing of the present act, to open new share

*New share-  
books to be  
opened and  
kept open.*



period every  
year.

books in its offices, and to keep them open until the twelfth day of May, of the year one thousand eight hundred and seventy-one, and to re-open them on the twenty-second day of the said month and year, and to keep them open until the twelfth day of May of the following year, until four o'clock in the afternoon each day, and to continue so to do during every succeeding year until the capital stock of the said company shall have been fully subscribed.

Original share-  
holders to in-  
scribe their  
names on new  
books, and  
receive credit  
for former  
payments.

3. The original shareholders, establishing their titles as such, shall before the first day of March next, in order to continue so to be, inscribe their names in the new books, and shall receive credit for their paid-up instalments, both in so far as regards their right to vote at the election of directors as their payment of the instalments required from time to time by the company to be paid-up by subscribers for the purposes of the enterprise.

Former shares  
on which  
nothing has  
been paid,  
cancelled.

4. All shares, which may have been taken by individuals, and upon which no instalments have yet been paid, are cancelled as if they had never been subscribed; and from the date of the passing of the present act, the new share books hereinbefore mentioned shall be the only share books of the said company.

Company may  
raise money  
upon debentures, subject  
to § 11, of sec.  
9, of C. S. L. C.,  
c. 66, and said  
§ shall apply  
to municipal  
debentures.

5. The said company may raise by way of loan upon their bonds or debentures in addition to such authorized capital stock which shall be of six millions of dollars, any sum of money not exceeding the amount of their capital, subject to the forms and provisions of the eleventh sub-section of the ninth clause of the "railway act" contained in the consolidated statutes of Canada, chapter sixty-six, which shall apply to such loan; and the said sub-section shall apply as far as may be to the bonds and debentures of all city, town, village, parish or county municipalities, subscribing to the stock of such company or aiding the same, anything in their special acts to the contrary notwithstanding, which municipal corporations may, in addition to their rate of interest, provide such sinking fund for the redemption of their said bonds and debentures, as such corporation may deem advisable.

Time of elec-  
tion of direc-  
tors.

6. The election of the directors of the said company, in future, shall be held at noon, on the twentieth day of May in each year, at the office of the company, in the city of Quebec.

Of whom  
board of direc-  
tors shall be  
composed.

7. From and after the twentieth day of May, one thousand eight hundred and seventy-one, inclusively, the board of directors of the company shall be composed of twelve members, in addition to the representatives of the municipalities entitled to form part thereof. Of these twelve members, four shall be named by the lieutenant-governor in council, eight only in future to be elected by the shareholders: but until the twentieth day of May, one thousand

eight hundred and seventy-one, the said board shall consist of the present directors, the four members named by the lieutenant-governor, and the representatives of the municipalities as already stated. Until the next election of directors, the board shall not have power to fill vacancies among the directors elected.

8. From and after the twentieth day of May, one thousand eight hundred and seventy-one, inclusively, no person shall be elected as a director of the said company, without his having subscribed at least one thousand dollars to the capital stock, and paid up all the instalments then due.

Who may be  
directors after  
20th May,  
1871.

9. No person shall be entitled to vote at the next election of directors unless he has paid up at least ten per cent on the amount of his shares.

Who may vote  
to elect direc-  
tors.

10. The board of directors of the said company, as constituted from the formation of the said company up to the present time, is hereby declared to have been legally elected and chosen and to have had lawful power and authority for the discharge of their functions.

Election of  
former direc-  
tors confirmed.

11. Until such time as it shall have been otherwise decided by a by-law adopted by the board of directors, the regular meetings of the said board shall be held every second Thursday in each month.

Meeting of  
directors.

12. The expenses incurred by the said company and the obligations which it may have contracted up to the passing of this act, and which may be lawfully due, shall be the first charge thereupon.

Expenses  
already incur-  
red to be a first  
charge.

Whereas, in the year one thousand eight hundred and fifty-three, the council of the municipality of the county of Saint Maurice did, by a by-law, which was subsequently regularly approved by the municipal electors of the said county, subscribe a sum of two hundred thousand dollars to the capital stock of the "North Shore Railway Company," since called the "North Shore Railway and St. Maurice Navigation and Land Company,"—whereas, afterwards the legislature did divide the said county of Saint Maurice into two new counties, bearing respectively the names of "county of Saint Maurice and county of Maskinongé," without determining the proportion of the said subscription to be borne by each of the said two counties, and the mode of giving effect thereto,—and whereas, it is important to determine the same in the interest of the said counties and for the speedy execution of the enterprise which it is intended to aid:—

Preamble.

13. Therefore, it is hereby enacted that the said counties of Saint Maurice and Maskinongé, shall, out of the said sum of two hundred thousand dollars subscribed in the said year one thousand eight hundred and fifty-three, by the said heretofore county of Saint Maurice, in favor of the said

\$20,000 stock  
subscribed by  
former county  
of St. Maurice  
divided be-  
tween present  
counties of

St. Maurice  
and Maskin-  
ongé.

Said counties  
may impose  
conditions, but  
shall be bound  
if these are  
accepted.

Width of  
gauge.

C. S. C., c. 66,  
to apply to  
this act.

Preamble.

North Shore Railway Company, subsequently called the North Shore Railway and Saint Maurice Navigation and Land Company, be considered to have and have each respectively subscribed one hundred thousand dollars to the capital stock of the said "North Shore Railway and Saint Maurice Navigation and Land Company;" and that such subscription has, with regard to each of the said counties, precisely the same effects in every respect, and subjects the said counties respectively towards the said company to the same obligations in regard to their respective shares of the said subscription, as if the said by-law had been passed by the county municipal council of each of the said two counties respectively, but each of the county municipal councils of the said two counties may, as regards the county it represents and its share of the said subscription, impose upon the said company such conditions as it shall deem proper to make in resolutions by it adopted. If these conditions be not accepted by the said company, the county imposing them shall be discharged from the obligation arising out of its share of the said subscription; and such resolutions, being accepted by the said company shall, without any other formality, have force of law and shall bind the said county towards the said company in the same manner as if such conditions had been stipulated in the present act.

14. The gauge of the said railway may not be narrower than four feet, eight inches and one half.

15. The provisions of the "Railway Act," contained in the consolidated statutes of Canada, shall apply to the present act, except in so far as the special provisions of this act may be inconsistent therewith.

Whereas, on the fourth day of October, one thousand eight hundred and seventy, the council of the city of Quebec did resolve to subscribe, in the name of the corporation of the said city, a sum of one million of dollars to the stock of the North Shore Railway, and St. Maurice Navigation and Land Company, subject to the conditions that the said council might judge proper to impose on the said company; and whereas, on the twenty-eight day of the said month, in the said year, the said council did, in regard to the said subscription of one million of dollars, impose on the said company the conditions following, to wit:

1. That the amount subscribed be paid by permanent consolidated stock certificates bearing seven per cent interest;

2. That an act be obtained from the provincial legislature, authorising the issue of the said stock and granting power to impose a rate to provide for the payment of the interest on the said amount. Proprietors to be responsible for the said tax with power to collect one half of the same from the tenants as at present;

3. Liability of the corporation to be limited to amount subscribed ;

4. That in case the company find it advantageous to begin the road with subscribed stock, as being the most immediately available means, so as to give value to their bonds on the lands or on the road, the stock to be issued by the corporation shall be *pro rata* as the work progresses and in proportion to the whole subscribed stock, on certificates of the engineer to be named by themselves ; but if the company finds it possible to obtain a contract by which their bonds are given in part payment simultaneously with the stock subscribed, then the corporation shall issue their stock as the work progresses *pro rata* to the total cost of the road ;

The stock to be issued by the corporation also as the work progresses *pro rata* to the whole cost of the road, in case legislation should give a substitute for the lands to the company ;

5. The company, either by themselves or the contractor, to pay the interest on the stock of the corporation to the date of the opening of the road between Montreal and Quebec, and the running of the first through train between those two cities ;

6. In the event of the company or the contractor neglecting to pay the interest on the corporation stock issued, as it becomes due, the corporation shall have a right to cease to issue bonds in favor of the company ;

7. That the bonds to be issued by the company on the security of the road and lands be at a not less date than twenty years, and that on no consideration shall the bondholders have the power to assume possession or management of the road or lands ;

8. The chief terminus of the city of Quebec to be in St. Peter's Ward ;

9. The principal office of the company to be in the city of Quebec, where its meetings shall be also held ;

10. The corporation to be represented at the board of directors by the mayor and three other members appointed by the council ; and that no contract shall be entered into with one or more contractors for the building of the road, or its appurtenances, until the four members to represent the city council of the city of Quebec do legally form part of the direction of the said board ;

11. That the corporation shall be entitled to be credited with stock representing the amount of fifty thousand dollars already paid by them, over and above the one million dollars ;

12. That the work of the construction of the road shall commence in the city of Quebec, and shall uninterruptedly continue until completed ;

13. That no bonds of the corporation in favor of the company shall be issued, and no contract for the building of the road be made, until the company have obtained subscriptions to its capital stock to the amount of at least two million dollars, including that of the corporation of Quebec; and, in the event of the provincial legislature allowing a substitute for the 2,700,000 acres of land, secured by law to the said company, that the said substitute, in provincial securities or bonds, shall amount to at least two million dollars.

Corporation of  
Quebec may  
subscribe  
\$1,000,000  
stock, subject  
to the above  
conditions.

16. Therefore it is enacted, that the said corporation of the city of Quebec, to this end is hereby authorized to subscribe, as aforesaid, forty thousand shares, of twenty dollars each, making the said sum of one million of dollars in the stock of the said North Shore Railway and St. Maurice Navigation and Land Company, pursuant to, and in accordance with the said resolutions of the said city council, hereinbefore cited, of the said fourth day of October, one thousand eight hundred and seventy, and pursuant to the conditions thereto attached, which said conditions shall, in consequence, become and be binding upon the said company, and shall be considered as forming part of the present act. But the above conditions on which the city council of the city of Quebec is so authorized to subscribe the said one million of dollars, in favor of the North Shore Railway Company may be, at any time changed or modified with the joint consent of the said company and the said city council.

Corporation  
may create a  
fund to meet  
payment of  
shares sub-  
scribed.

17. And be it also enacted, that to meet the payment of the amount of shares so subscribed by the said corporation of the city of Quebec, to the aforesaid amount of one million of dollars in the said stock of the said North Shore Railway and St. Maurice Navigation and Land Company, a fund to the like amount of one million of dollars, current money of this province, is hereby established for the city of Quebec, to be known as "the city of Quebec fund for the North Shore Railway and St. Maurice Navigation and Land Company," which said fund shall consist of permanent and irredeemable stock certificates of not less than five hundred dollars each, and bearing seven per cent interest.

Corporation  
may issue  
stock certifi-  
cates for the  
amount.

18. And be it also enacted, that the said corporation is hereby authorized to issue, whenever required, the said permanent and irredeemable stock certificates to the amount aforesaid of one million dollars, the said stock certificates to be signed by the mayor of the said city of Quebec, and countersigned by the treasurer of the said city, and sealed with the seal of the said city, which said certificates may be in the form of schedule A, appended to the present act.

Company to be  
paid with said

19. And be it also enacted, that the said sum of one million of dollars, to be so subscribed by the said corporation

of the city of Quebec, for shares to the amount aforesaid in the stock of the said North Shore Railway and St. Maurice Navigation and Land Company shall be paid to the said company by the said corporation of the city of Quebec, with the said permanent and irredeemable stock certificates of the said "city of Quebec fund for the North Shore Railway and St. Maurice Navigation and Land Company," and not otherwise, the said fund to this end being established as hereabove mentioned.

20. And be it also enacted that, to meet the payment of the interest on the amount of one million of dollars so to be subscribed for shares in the said stock of the said North Shore Railway and St. Maurice Navigation and Land Company, as aforesaid, the said corporation of the city of Quebec is hereby authorized to impose and levy, whenever required, upon the whole then assessable real property of the said city, a special rate of so many cents in the dollar, as shall be required, until the said interest shall be fully paid and discharged, the said rate to be paid in equal proportions by the proprietor and tenant, unless the said real property be occupied by the proprietor himself, in which case such rate shall be paid by the proprietor or person in possession as proprietor as aforesaid, to recover one half of the said rate from the tenant or occupant of the said real property, as it is now the case for the other taxes imposed in the said city of Quebec, by suit in the recorder's court.

21. And be it also enacted, that the said rate for the payment of the said interest shall be imposed at any time that it shall be so ordered by the said council of the city of Quebec, by being entered in a separate book by the assessors of the said city of Quebec, or by any one of them, the said book to be called "book of interest of the North Shore Railway and St. Maurice Navigation and Land Company," or in a separate column in the assessment books of the said city of Quebec, in the like manner as the other assessments on real property in the said city of Quebec, and shall be levied by the same process and in the same way, and without any other formalities, and without it being necessary for the said council of the said city of Quebec to make any by-law to that effect. The said rate to be imposed on the annual assessed value of each and every real property within the said city of Quebec, which said value shall be estimated according to that set upon real property in the assessment books of the said city for the then current year, when the said rate shall be so imposed.

22. And it is also enacted, that as soon as the city council of the city of Quebec shall have subscribed, as aforesaid, to the capital stock of the said North Shore Railway Company, then, besides the mayor of the said city

stock certificates.

Corporation may impose a special rate to meet interest on amount subscribed—rate to be borne by owners and by tenants.

Said rate may be imposed without any by-law upon the annual assessed value of real property.

Corporation after subscribing may appoint three directors

besides the  
mayor.

of Quebec who shall be *ex-officio* a member of the board of the directors of the said company, the council of the city of Quebec shall have the right to appoint three other persons who shall be also members of the said board of directors.

Name of the  
company.

**23.** The name of the said company shall be the "North Shore Railway Company."

### SCHEDULE A.

City of Quebec fund for the North Shore Railway and  
St. Maurice Navigation and Land Company.

City Hall,

Quebec,

18

Certificate No.

This is to certify that

of

at the date hereof, is the registered owner, in the books of the corporation of the city of Quebec, of

shares of

dollars

each, in all amounting to

dollars,

of the city of Quebec fund for the North Shore Railway and St. Maurice Navigation and Land Company, (as detailed in the margin hereof,) established under the authority of the act of the legislature of Quebec, in the dominion of Canada, passed on the twenty-fourth day of December, 1870, intituled: "An Act to extend the period for the completion of the works of the North Shore Railway and St. Maurice Navigation and Land Company."

Upon the amount of shares in the said permanent stock standing registered to the credit of the owners thereof, in the books of the corporation of the city of Quebec as aforesaid, the corporation of the city of Quebec will pay interest semi-annually, at the rate of seven per cent per annum, on the first day of January and July in each year.

Sealed with the seal of the corporation of the said city of Quebec, signed by the mayor, countersigned by the city clerk, and registered in the books of the said corporation by the city treasurer of the said city, this day of

18

L. S.

Mayor.

City Clerk.

Registered book

Folio,  
City Treasurer.

## CAP. XXIII.

An Act to grant additional powers to the Montreal Northern Colonization Railway Company and for other purposes.

[Assented to 24th December, 1870.]

**W**HEREAS, it is expedient to grant additional powers to the Montreal Northern Colonization Railway Company; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said Montreal Northern Colonization Railway Company shall have power to extend their line of railway from Grenville to Deep River, or "*Chenail Culbute*," on the Ottawa River, in the province of Quebec, and from any point on their line within the limits of the city of Montreal, to Point St. Charles or the Bonaventure Depot, and at the eastern end of said city, the whole subject to the conditions and with the privileges and rights established and stipulated by the Act incorporating the said company for the original line of said railway, save only as regards their claim for a subsidy. Provided always, that the aforesaid proposed communications to be made within the limits of the city of Montreal to Point St. Charles or Bonaventure Depot, shall not be commenced until a map or plan and survey of the line and extent of such communications shall be laid before the council of the corporation of Montreal, and the sanction and approval of such council and the board of directors of the Grand Trunk Company of Canada be first had and obtained.

Power to continue the railway from Grenville to Deep River.

2. The capital of said company shall be ten millions of dollars.

3. Should such course be deemed necessary to facilitate the negotiation of bonds or debentures issued or due by the said company, the shareholders of said company shall at all times, by a by-law, passed at a meeting duly convened for that purpose, have power to decide that if at any time the bonds or debentures issued by the said company, or the interest *coupons*, or any of them, become due and are not paid in a certain delay after maturity, the period of such delay to be set forth in said by-law, the right to vote conferred on shareholders of the said company shall then cease, and that subsequently holders of bonds or debentures due and payable by the said company, shall have the right to vote at all the meetings of the said company, and shall also enjoy all the other powers conferred on the shareholders of said company by their act of incorporation or by the Quebec railway act of 1869, in the place and stead of

Power to pass by-laws authorizing bond-holders to vote in place of share-holders, in case of non-payment of bonds or interest.



shareholders, and that the bond or debenture holders shall also have the right to vote in proportion to the amount of bonds or debentures held by each, in the manner prescribed by said by-law; and to provide for the restoration of the right to vote to shareholders and for depriving bondholders of the said right to vote, as the shareholders of said company may think proper; and such by-law shall neither be revoked nor modified without the consent of all holders of the company's bonds negotiated subsequently to the passing of said by-law.

Registration  
of bonds not  
necessary.

4. It shall not be necessary, for securing to their bonds or debentures priority over the said road, its rolling stock, properties and revenues, according to the respective dates of their issue, to register said bonds or debentures issued by the said company in virtue of the powers conferred on them notwithstanding article 2130 of the civil code.

Debentures to  
constitute a  
general mort-  
gage on the  
lands of the  
Company.

Provision when  
these lands are  
sold and the  
purchase  
money paid.

5. All debentures issued by the said company shall constitute a general mortgage on the lands which may in future be granted to the said company issuing such debentures, provided the said lands be mentioned or indicated in general terms as subject to such mortgage; but the payment made by any *bond fide* purchaser of any of the said lands, of the purchase-money to the treasurer of the company, or to any other person appointed for that purpose, and the receipt given for the payment of such purchase-money by the treasurer or other person named on behalf of such debenture holders, shall discharge all lands thus paid for from any such mortgage; and until otherwise ordered by said company, in virtue of the powers conferred on them by the present act, with reference to the reception of such moneys, the treasurer of the said company is hereby authorized to receive such purchase-money on behalf of the holders of such debentures, and shall keep all moneys so received apart from the ordinary receipts of the said company, and he shall be responsible for the same as special trustee, until said moneys be disposed of in the manner hereinafter provided.

Investment of  
moneys.

The moneys thus received by the treasurer of the said company shall, from time to time, be invested in Government securities, or shares of any solvent chartered bank doing business in Canada, for the purpose of forming a fund for the payment of the interest on such debentures as it becomes due, and for redeeming those debentures at maturity.

Holders of  
debentures to  
elect three  
trustees and  
directors to  
name three  
others to man-  
age lands, &c.

6. The holders of the debentures of the said company, having hypothec on said lands, shall have the right to elect from among themselves three trustees, which election shall be made by such holders of debentures at a meeting of such holders called for the purpose in the same manner as is

provided by the act incorporating the company for special meetings of the shareholders thereof; and may be made by a majority in amount of such holders present at such meeting either in person or by proxy; and the directors shall name three of their number to constitute with the said trustees a board of six trustees, and such trustees shall have the control, management, disposition and direction of the lands represented by the holders of the debentures, or in which they have any interest; and may sell and dispose of such lands and collect and receive the proceeds thereof, as they may see fit, and for that purpose may appoint an agent or agents and have an office or offices either in Canada or elsewhere, and on realizing the proceeds of the said lands or any of them, may divide the proceeds among such holders or invest the same for the benefit of such holders, and otherwise manage and administer such lands in such manner as may be prescribed by such holders, by resolution or by-law passed at a meeting thereof, called and held in the manner hereinbefore provided for the election of such trustees; provided always, that the proceeds, after payment of expenses of management to be audited and approved by the directors of the company, of the sale of any such lands on being received by the said trustees or their agent in that behalf, shall *pro tanto* extinguish such debentures after the extinction thereby of the interest thereon then overdue.

7. The directors elected by the shareholders shall be eleven in number, exclusive of *ex officio* directors, but the company shall have power, by a resolution adopted by a majority of the shareholders thereof, at a general meeting, to diminish from time to time the number of directors of the said company. But the quorum of the board of directors shall always remain five.

8. The fourteenth section of the act of the legislature of this province thirty-second Victoria, chapter fifty-five, is hereby amended by striking out all the words in the said section after the word "appointed."

9. If at any time the said company shall agree with any other railway company for the construction of any part of the said line of railway, such agreement may be submitted to the lieutenant-governor in council, and if approved shall become binding on the parties thereto, and upon such approval the proportion of any land grant from the government of this province which may be applicable to such portion of the said line, shall enure to the benefit of the company actually constructing the same, upon the conditions contained in such agreement.

10. The nineteenth section of the act of the legislature of this province thirty-second Victoria, chapter fifty-five, is hereby repealed.

## CAP. XXIV.

An Act to authorize the Quebec and Gosford Railway Company to prolong their railway to Lake Saint John.

[Assented to 24th December, 1870.]

## Preamble.

WHEREAS, Henri Gustave Joly, Henry Fry, Edmund C. Fry, Donald Cameron Thomson, Michael William Baby, Weston Hunt, John Lemesurier, Eugène Chinic, Jean-Baptiste Renaud, Eloi Beaudet, John Sherring Budden, Théophile Ledroit, James H. Oakes, John James Rickon, Jerome B. Hulbert, and Charles Edward Montizambert, all of the city of Quebec, Esquires, and others, have, by their petition represented that a railroad has just been built and opened by the Quebec and Gosford Railway Company, from the city of Quebec to the township of Gosford, and that the prolongation of that road to Lake Saint John would be a matter of very great public benefit, and have prayed that a bill may be passed, allowing the Quebec and Gosford Railway Company to extend their line of railroad to some point on Lake Saint John, following the easiest and most practicable road, with all the rights and privileges, and subject to all the conditions granted and imposed by the Quebec Railway Act, 1869, and the act incorporating the said company, except in so far as provided by the bill prayed for by the said petitioners,—allowing the said company until the end of the year one thousand eight hundred and seventy-six to complete the said road, with the privilege of building the line in three or more sections, and running the sections as they become completed, and authorizing the said company to increase its capital stock for the purpose of that extension, and to assume the name of the Quebec and Lake Saint John Railway Company; and further, amending the act incorporating the said company, by allowing the said company to bring its railroad and run its locomotives within the limits of the city of Quebec; and whereas, it is desirable that the prayer of the said petition should be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Name of Company to be changed.

1. The name of the body corporate and politic constituted by the act passed in the thirty-second year of Her Majesty's reign, chapter fifty-three, hereinafter called the company, shall be "The Quebec and Lake Saint John Railway Company," from and after the day on which this act shall come into force and effect, as hereinafter provided.

Company may prolong their railway to Lake St. John.

2. The company and their agents and servants, and other persons in their employ, may lay out, construct and work a double or single track, wooden or iron tramway or

railway, of such width or gauge as the company see fit, from the present terminus of their railway in the township of Gosford, by such route as they see fit, to such point on the shore of Lake Saint John as they see fit; and the company may construct the said tramway or railway in three or more sections, in such order as they see fit, and may work any one or more of such sections as soon as completed, subject always to the provisions of the twenty-fifth and four following sections of the Quebec Railway Act, 1869.

3. The capital stock of the company is hereby increased from the original sum of one hundred and twenty thousand dollars to the sum of nine hundred and fifty thousand dollars, divided into ninety-five thousand shares of ten dollars each, which amount shall be raised by the persons named in the said act, and such other persons and such corporations and municipalities as have or may become holders of shares in the company, by subscribing to the stock thereof; and the money so raised after this act shall come into force and effect shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this act, and for making the surveys, plans and estimates connected with the said extension of the said railway, and all the rest and residue of such money shall be applied towards making, completing, maintaining and working the whole of the railway from Quebec to Lake Saint John, and other the purposes of the said act thirty-second Victoria, chapter fifty-three, and of this act.

Capital stock  
may be raised  
to \$950,000.

4. The whole of the said railway from Québec to Lake Saint John shall be completed on or before the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and seventy-six, in default of which this act shall become null and void to all intents and purposes whatsoever from that day forth.

Railway to  
Lake Saint  
John to be  
completed by  
31st Dec., 1876.

5. The company may, from time to time, purchase, have, hold, take, receive, use and enjoy any immovable property not exceeding in the whole ten thousand acres, along the line of so much of their said railway as shall extend from the township of Gosford to Lake Saint John, or in the vicinity thereof, but separated therefrom, and if separated therefrom, then with the necessary right of way thereto, which it may please Her Majesty or any person or corporation to give, grant, sell or convey unto and to the use of the said company; and the said company may cut wood, and dig earth, gravel and stones on any such land, either for their own use in the construction and keeping in order and working of so much of their railway or for sale, and may establish stations, sidings, branches, workshops, woodyards and gravel pits on any such lands, and may sell fire-wood or timber cut on such lands, and may from time to time sell and dispose of any of such lands not

Power to purchase lands,  
&c., &c.

required or necessary to be retained for gravel pits, sidings, branches, woodyards, station grounds or workshops, or for other purposes of the said company, and may acquire other in their stead.

Section 12 of  
32 Vict. c. 53,  
amended.

6. The exception relating to locomotives in section twelve of the act of incorporation of the company is hereby repealed so far as respects that portion of the track of the Quebec Street Railway Company which extends from the western boundary of the city to opposite the Palais Harbour; and if so agreed between the companies locomotives may run on so much of the track of the Quebec Street Railway Company, the consent to that effect of the corporation of the city of Quebec, acting by and through the city council of Quebec, who are hereby authorized and empowered to give such consent, being first had and obtained.

Act of 32 Vict.  
c. 53, to apply  
to extension of  
Railway.

7. Subject to all the foregoing provisions of this act all those of the said act thirty-second Victoria, chapter fifty-three, incorporating the said company, with all the powers, duties and obligations thereby conferred and imposed, shall apply to the railway hereby authorized to be laid out, constructed and worked by the said company, and to all rivers in the course thereof, and to all wild lands of the Crown lying along the route thereof, and to the said company and to the Provincial Government, and to all persons and corporations, in relation to the said railway, rivers and wild lands of the Crown, and to the capital stock hereby authorized to be raised and the shares thereof, and to the shareholders and all others in relation thereto, as fully and effectually to all intents and purposes as the same apply to the railway by the said act authorized to be laid out, constructed and worked, and to all rivers in the course thereof, and to all wild lands of the Crown lying along the route thereof, and to all such parties as aforesaid in relation thereto, and to the capital stock thereby authorized to be raised and the shares thereof, and to the shareholders and all others in relation thereto, in the same manner and to the same extent as if the whole railway from Quebec to Lake Saint John, instead of only a portion thereof, were thereby authorized to be laid out, constructed and worked, the said act and this act being to be read and construed as one act, and as one special act, within the true intent and meaning of the Quebec Railway Act, 1869.

Commence-  
ment of Act.

8. This act shall come into force and effect only upon, from and after the day upon which it is accepted by a vote of the shareholders of the company representing at least two-thirds of the shares, present in person or by proxy at a meeting of the shareholders to be held at the city of Quebec, after the notice required for calling any special general meeting of the company, the object of the meeting having been specially set forth in such notice.

## C A P. X X V .

An Act to amend the Charter of the Richelieu, Drummond and Arthabaska Counties Railway Company.

[Assented to 24th December, 1870.]

**W**HEREAS, the Richelieu, Drummond and Arthabaska Counties Railway Company have prayed for amendments of their Charter in the particulars hereinafter set forth, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The following clerical errors in said charter of the Richelieu, Drummond and Arthabaska Counties Railway Company are hereby amended, that is to say, by substituting in the English version thereof the words "one other Director" in the place and stead of "one of such Directors" in the nineteenth line of the ninth section of their Act of Incorporation, and the word "immovable" in the place of the word "movable" in the second line of the nineteenth section of said act: and in the French version by substituting the words "à lisses" in the place of the words "de fer" in the nineteenth line of the first section of said act, and the words "un autre Directeur" in the place of "un des dits Directeurs" in the twentieth line of the ninth section of said act.

Secs. 1, 9  
and 19 of 32  
V., c. 56  
amended.

2. The election and constitution of the present Board of Directors of the said Company is hereby declared to have been and to be good and valid, notwithstanding that certain municipalities that have subscribed ten thousand dollars and upwards took part therein either by voting on their subscribed stock, or by nominating an additional Director to represent them in such Board previous to the correction of the aforesaid errors.

Election of  
present direc-  
tors declared  
valid.

3. The company may, should they find it expedient so to do, continue the branch line which they have contracted to construct to the village of l'Avenir, in the county of Drummond, so as to connect the same with the Grand Trunk Railway in the county of Richmond, passing on such side of the River St. Francis as may be thought most desirable, and, if necessary, acquire and hold the road on the banks of the said River St. Francis known as the Slate Quarry Railway; and may also if they think fit lay out, construct and finish as a part of their main line a wooden or iron railway from the point of their junction with the line of the Grand Trunk Railway at or near the Acton station, passing by Roxton and Waterloo, in the county of Shefford, and Knowlton, in the county of Brome, to connect with the South Eastern Counties Junction Railway.

Branch line to  
village of  
l'Avenir may  
be extended;  
and connection  
may be made  
with S. E.  
Counties Junc-  
tion Railway.

Sec. 3 of 32  
V., c. 56,  
amended.

4. Section three of said charter is hereby amended by substituting for the word "fifteen" in said section, the words "twenty-five;" by adding the words "such branches to be held and considered to all intents as a portion of their main line; but all agreements made or to be made between the company and any municipality touching the employment in whole or in part, upon or for any branch or section of the main line, of any money or debentures subscribed for stock or otherwise granted by such municipality, and all municipal subscription of stock conditional or otherwise, and all municipal by-laws relative thereto shall nevertheless be and remain to all intents valid and binding," after the word "thereof" in the nineteenth line of said section; and also, by striking out all the words after the word "directors" in the twenty-first line thereof.

Company may  
adapt bridges  
to passage of  
horses, &c., and  
take tolls.

5. The company may adapt all or any of the bridges constructed for the purposes of their railway, to the passage of horses, vehicles and foot passengers; and may take, receive and exact such rates of toll upon all horses, animals, vehicles and foot passengers passing on or over such bridge so adapted to the passage thereof, as by the lieutenant-governor in council shall, from time to time, be fixed and allowed, or as is otherwise allowed by this act.

After approval  
by railway  
committee fol-  
lowing tolls  
may be levied.

6. So soon as the company shall have constructed railway bridges over the rivers Yamaska and St. Francis respectively, adapted for the passage of horses, vehicles and foot passengers in virtue of the preceding section, and the same have been duly approved by the railway committee, the said company may demand, receive and exact, for their own use and benefit, of and from each person making use of said bridges as a toll for the passing thereof, sums not exceeding the following several rates, that is to say:

For every person on foot.....	\$ 0 02
For every two wheeled vehicle drawn by one horse or ox.....	0 08
For every four wheeled vehicle drawn by one horse or ox.....	0 10
For every four wheeled vehicle drawn by two horses or oxen.....	0 15
For every additional horse or ox.....	0 05
For every horse and rider.....	0 06
For every horse, mule, cow or head of... cattle.....	0 03
For every sheep, calf or pig.....	0 02

Penalty for  
passing with-  
out paying  
toll.

7. Any person who shall pass through the toll gates or over or upon any of the bridges of the company so adapted as aforesaid for the passage of foot passengers and vehicles without paying the toll that the company may be entitled to demand by virtue of this act and against their consent,

or who shall at any time drive faster than a walk on the said bridges, shall incur a penalty not exceeding five dollars currency, or be imprisoned for a period not exceeding ten days in the common gaol of the district within which such offence may have been committed.

8. Any municipality which shall have authorized or shall hereafter authorize by any by-law duly sanctioned by the lieutenant-governor, the issue of debentures for the purpose of raising money to aid the said company under the provisions of chapter twenty-five of the consolidated statutes for Lower Canada may, provided the same be not already issued, if the lender consent or require it, deposit in the hands of such lender or his assigns the annual sums which shall have been agreed upon to form the sinking fund, instead of investing the same in the manner provided by said last mentioned act: in which case, such municipality shall not be responsible for the redemption of such debentures at the expiration of the stipulated delay, but the same shall be held to be fully paid and satisfied by the payment of the annual amount of interest and sinking fund specified in such by-law, and this notwithstanding that other provision had been made therein for the payment of such debentures; provided that such changes are made in the form of such debentures and the coupons thereto attached so as to express upon the face of them such manner of payment, before the issuing thereof; and in all cases where such debentures have already been issued in the manner and form contemplated by said chapter twenty-five, the holders thereof may at any time, with the consent of the municipal council that issued the same, exchange such debentures for a like value of other debentures whereby it is stipulated that the sinking fund may be paid to such holder as aforesaid; and in such case, the municipality so exchanging, shall be relieved from redeeming the same at the expiration of the stipulated delay, and shall merely be bound to pay over to the holder of said debentures the annual amount of interest and sinking fund; any thing to the contrary in the by-law notwithstanding.

Municipalities who have issued debentures in aid of the company may pay over the annual sums forming the sinking fund instead of investing them.

Debentures already issued may be exchanged for others to conform with this section.

Responsibility of municipality in such case.

9. In the event of any county municipality passing a by-law to aid the construction of the said railway after any of the local municipalities within the limits of such county have already contributed for a like purpose, it shall be lawful to declare in such by-law, that such local aid be considered, held and taken, to the extent of the relative proportion of each of the said local municipalities that may have subscribed a part of the amount voted by such by-law; and in such case the aid to be given and debentures to be issued by such counties shall only be for the balance, after deduction of the said local aids, and an amount proportionate to such local aids shall be deducted from the portion

If county municipality grant aid, any aid already granted by a local municipality in such county may be taken as a proportionate part of the county aid.



of the tax to be levied under the by-law for which each such local municipality respectively would be liable if such local aid had not been made ; but it shall be lawful for the said local municipalities to exchange their debentures for a like amount of county debentures to be issued for that purpose in excess of the above mentioned balance, or for the holders thereof to exchange the same in like manner, and from such time no deduction shall be made from the portion of the tax of such local municipalities, and in the case of such exchange the said local municipalities may obtain the cancellation and remission of their Debentures by transferring their stock in the said company for a like amount to such county municipality.

This act to  
form part of  
32 V., c. 50.

10. Subject always to the provisions of any act of this session in respect of provincial subsidy, this act shall be construed and applied to all intents as forming part of the act passed in the thirty-second year of Her Majesty's reign, intituled : "An Act to incorporate the Richelieu, Drummond and Arthabaska Counties Railway Company," hereby amended ; and the expression, "the charter of the Richelieu, Drummond and Arthabaska Counties Railway Company" shall constitute a sufficient citation as well of this act as of the said act hereby amended.

## C A P . X X V I .

### An Act to incorporate the Missisquoi and Black Rivers Valley Railway Company.

[Assented to 24th December, 1870.]

#### Preamble.

**W**HEREAS, certain persons hereinafter mentioned, have petitioned the legislature for an act of incorporation to construct an iron or wooden railroad from Potton, a township in the county of Brome, through the counties and part of the counties of Brome, Shefford and Richmond, to or near Durham station or Richmond station on the Grand Trunk Railway line ; and whereas it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain persons  
incorporated.

1. The honorable Lucius S. Huntington, honorable James Ferrier, Ralph Merry, William Hoste Webbe, M. P., John H. Graham, L.L.D., J. Picard, M.P.P., Michel A. Bessette, M.P.P., John W. Taylor, L. A. Perkins, James Manson, John McManus, Benjamin M. Martin, William L. Davidson, H. W. McGowan, Warren A. Lay, Charles Tessier, Wilder Bartlett, Léon Bombadier, Isidore Frégeau,

M. D., Fulgence Préfontaine, and John C. Willard, and such other persons or corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body politic and corporate by the name of "The Missisquoi and Black Rivers Valley Railway Company."

2. The said company and their servants shall have full power and authority to lay out, construct, make and finish a double or single, iron or wooden railway, of such width and gauge as the directors may judge most advantageous, from any point at or near the village of Mansonville, in the county of Brome, through part of the counties of Brome, Shefford and Richmond, to any point at or near Durham station or Richmond station, on the line of the Grand Trunk Railway, and shall have power of connecting the same with the South Eastern Counties Junction Railway or any other railway within either of the townships of Potton and Sutton, under any conditions which may be agreed to between the company incorporated by this act, and any other railway company, and they shall have the power to construct a branch or branches of the same, not exceeding fifteen miles in length, from any station or depot thereof, with power hereafter to substitute iron rails for wooden in any part of the said road which may have been built with wooden rails, in the discretion of the directors, under the conditions hereby established for the main line thereof. And the said company shall have power to build a branch line from any convenient point on the main line of the said road, to the village of Magog, on lake Memphremagog, in the county of Stanstead, and the said branch may be constructed at any time after the passing of this act, and if desirable even before the construction of the main line.

Power to construct railway on certain line, and certain branch lines.

3. The capital stock of the said company shall not exceed in the whole, the sum of one million dollars (with power to increase the same as provided by the *Quebec Railway Act*, 1869,) to be divided into ten thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in such stock, and the money so raised shall be applied in the first place towards the payment of all fees, expenses and disbursements, for procuring the passing of this act, and for making the surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards the making, completing and maintaining the said railway, and other purposes of this act; provided always, that until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any county, city, town or township, interested in the railway, or otherwise, to pay out of the general

Capital stock.

Application thereof.

Proviso as to payment of preliminary expenses by municipalities.

funds of such municipality such preliminary expenses, which sums shall be refunded to such municipality from the stock of the said company, or be allowed to them in payment of stock.

Provisional directors.

4. The said persons hereinbefore mentioned are hereby constituted and appointed the first board of directors of the company, any five members thereof to form a quorum for the transaction of business.

Their powers.

5. The said directors are hereby empowered to take all necessary steps for opening the stock-books for the subscriptions of parties desirous of becoming shareholders in the said company, and all persons subscribing to the capital stock of the said company shall be considered proprietors and partners in the same, but shall be liable only to the extent of their stock therein

Limited liability of shareholders.

Certain manufacturing and other companies may take shares.

6. All manufacturing companies or other companies carrying on business in whole or in part, at any place within the limits of the counties traversed or to be traversed by the said line of railway, duly incorporated, may, by a vote of the shareholders representing at least the three-fourths in value of the shares, but not otherwise, subscribe or otherwise purchase and hold any number of shares in the capital stock of the said company, and may divest themselves thereof by transfer.

Meeting for election of first directors.

7. When and so soon as one-tenth part of the capital stock shall have been subscribed, as aforesaid, and the sum of at least five thousand dollars paid into the hands of the treasurer of the said company, it shall and may be lawful for the said directors, or a majority of them, to call a meeting of the shareholders at such time and place as they may think proper, giving at least two weeks notice in two newspapers published in the districts of Bedford and St. Francis, at which general meeting, and at the annual general meetings, in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect nine directors, in the manner prescribed by the Quebec Railway Act, 1869, which said nine directors shall constitute a board of directors, and shall hold office until the first Monday in July, in the year following their election.

Meetings for election of subsequent directors.

8. On the said first Monday of July, and on the first Monday of July in each year thereafter, there shall be holden a general meeting of the shareholders of the said company at the principal office of the said company, at which meeting the shareholders shall elect nine directors for the then ensuing year, in the manner prescribed; by the Quebec Railway Act, 1869, public notice of such annual general meeting and election shall be published one month before the day of election, in two newspapers published in the districts of Bedford and St. Francis, and the election of directors, shall be by ballot, and the person so elected to-

gether with the *ex-officio* directors shall form the board of directors.

9. Five directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors; provided, however, that no person shall be elected director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls upon the said stock. Quorum of directors

10. The directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per cent. on the subscribed capital, and that one month's notice of each call shall be given in such manner as the directors shall think fit. Calls on shares.

11. The directors or a majority of them, may supply the place or places of any of their number, from time to time, dying or declining to act as such directors, from among the several persons being subscribers for, or owning and holding shares in the said company sufficient to qualify him or them to act as directors as aforesaid. Vacancies of directors how filled.

12. All deeds and conveyances of lands to the said company for the purposes of this act, in so far as circumstances will admit, may be in the form of the schedule A, to this act subjoined, or in any other form to the like effect; and for the purpose of due enregistration of the same, all registrars, in their respective counties, are required to register in their registry books such deeds and conveyances, upon the production and proof of the due execution thereof without any memorial, and shall minute the enregistration or entry on such deed; and the registrar shall receive from the said company, for all fees on every such enregistration, and for a certificate of the same, fifty cents and no more, and such enregistration shall be deemed to be valid in law. Forms of conveyances of land. Registration thereof.

13. The directors of the said company shall have power, upon being duly authorized thereto by a vote of the majority of the shareholders in the said company, present at any annual meeting in the month of July, for the purpose of electing directors, or at any general meeting of the said shareholders, whereof notice shall have been given in the manner hereinabove provided in the case of a general annual meeting and election, and in which notice shall be stated and published the object of such meeting, to issue their bonds or debentures made and signed by the president or vice-president of the said company, and countersigned by the secretary-treasurer thereof, and under the seal of the said company, for the purpose of raising money for prosecuting the undertaking, and such bonds shall be Power to issue bonds. Bonds to be

Prov'iso.

Prov'iso.

As to agree-  
ments with  
companies.Power to  
acquire lands  
along the rail-  
way not ex-  
ceeding 20,000  
acres.

and be considered to be privileged claims upon the property of the said company, and shall bear hypothec upon the said railway without registration, anything in article 2084 of the civil code, to the contrary notwithstanding, and such bonds or debentures shall and may be in the form contained in the schedule "B." annexed to this act, or in any other form similar thereto, and need not be executed before a notary; provided, however, that no such bonds or debentures bearing such hypothec shall be issued until after ten per cent of the whole capital stock of the said company, as provided by this act, shall have been expended in and upon the said railway; and provided, also, that the whole amount raised by such bonds or debentures shall not exceed one half the capital stock of the company, nor be in excess of the amount actually paid up on its share capital, at the time of the issue of such bonds or debentures.

14. It shall be lawful for the said company to enter into any agreement with any other railway company for leasing the said railway or any part thereof or the use thereof, at any time or times, or for any period to such other company, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring of any locomotives, tenders or movable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other or by both companies, of the railway or movable property of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; and any such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof.

15. The said company may, from time to time, purchase, have, hold, take, receive, use and enjoy any immovable property, not exceeding in the whole twenty thousand acres, along the line of the railway, or in the vicinity thereof, but separated therefrom, which it may please Her Majesty or any person, or corporation to give, grant, sell or convey unto and to the use of the said company; and the said company may cut wood and dig earth, gravel and stones on any such land, either for their own use in the construction and keeping in order and working of the railway, or for sale, and may establish stations, sidings, branches, work-shops, wood-yards and gravel pits on any such lands, and may sell fire-wood or timber cut on such lands, and may, from time to time, sell and dispose of any of such lands not required or necessary to be retained for gravel pits, sidings, branches, wood-yards, station grounds or work-shops, or for other purposes of the said company, and may acquire others in lieu thereof.

## SCHEDULE A.

## DEED OF SALE.

Know all men by these presents, that I, A. B., of  
do hereby in consideration of  
paid to me by the Missisquoi and Black Rivers  
Valley Railway Company, the receipt whereof is hereby  
acknowledged, grant, bargain, sell and convey unto the  
said Missisquoi and Black Rivers Valley Railway Com-  
pany, their successors and assigns, all that tract or parcel of  
land (describe the land,) the same having been selected and  
laid out by the said company for the purpose of their rail-  
way; to have and to hold the said land and premises unto  
the said company, their successors and assigns for ever.

Witness, my hand and seal this            day of  
one thousand eight hundred and

A. B.            (L.S.)

Signed, sealed and delivered  
in presence of

## SCHEDULE B.

## FORM OF DEBENTURE.

"The Missisquoi and Black Rivers Valley Railway  
Company."

No.

\$

This debenture witnesseth that "The Missisquoi and  
Black Rivers Valley Railway Company, under the authority  
of the provincial statute passed in the thirty-fourth  
year of Her Majesty's reign, intituled: "An Act to incorpo-  
rate the Missisquoi and Black Rivers Valley Railway Com-  
pany," have received from

the sum of

as a loan to bear interest from the date hereof, at the rate of  
per centum per annum, payable

half-yearly on the            day of

and on the            day of

which sum of            the said company

bind and oblige themselves to pay on the  
day of            to the said

or to the bearer hereof at            and to pay  
the interest thereon half-yearly as aforesaid, on the produc-  
tion of the *coupon* therefor, which now forms part of this  
debenture.

And for the due payment of the said sum of money and  
interest, the said company, under the power given to them  
by the said statute, do hereby mortgage and hypothecate  
the real estate and appurtenances hereinafter described,

that is to say : *The whole of the railroad from including all the lands at the termini of the said road, and all lands of the company within these limits, and all buildings thereon erected, and all and every the appurtenances thereto belonging.*

In testimony whereof, \_\_\_\_\_ president of the said company hath hereto set and affixed his signature and the seal of the said company, at this \_\_\_\_\_ day of one thousand eight hundred and \_\_\_\_\_

President (L.S.)  
 Contersigned and entered,  
 Secretary.

## CAP. XXVII.

An Act to incorporate the St. John's and Clarenceville Junction Railway Company.

[Assented to 24th December, 1870.]

enamble.

**W**HEREAS, the persons hereinafter named and others, have petitioned for incorporation as a company, to construct the railway hereinafter described, and the construction of such railway would be of great benefit to the commerce and for the advantage of the district through which such railway would pass, and it is expedient to grant their prayer ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain persons incorporated.

1. Robt. Macfie, John Hunter, U. M. Smith, F. M. Townsend, F. U. Derick, Wm. Chilton, H. H. Beerwort, W. M. Macfie, A. H. Derick, C. S. Rowe, J. B. Hall, Rev. E. DuVernet, G. N. Clark, M. V. Curtis, L. D. St. Johns, H. G. Trepania, Henry Taylor, J. Lamoureux, R. Bowers, L. Roy, Robt. Wright, and L. H. Trudeau, esquires, with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of the "St. John's and Clarenceville Junction Railway Company."

Power to construct a railway on a certain line.

2. The said company and their servants shall have full power and authority to lay out, construct, make and finish a double or single iron railway, of such width or guage as the company sees fit, from the province line at or near Aird's Post Office, parish of St. George de Clarenceville, county of Missisquoi, in a northerly direction to St. John's, P. Q., together with the power to construct any branch or branches of the same, not exceeding ten miles in length,

from any station or depot thereof, in the discretion of the directors, under the conditions hereby established for the main line thereof.

**3.** The capital stock of the said company shall be the sum of four hundred thousand dollars, (with power to increase the same as provided by the Quebec Railway Act, 1869,) to be divided into eight thousand shares of fifty dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in such stock, and the money so raised shall be applied in the first place towards the payment of all fees, expenses and disbursements, for procuring the passing of this act, and for making the surveys, plans and estimates, connected with the railway, and all the rest and remainder of such money shall be applied towards the making, completing and maintaining the said railway and other purposes of this act; provided always, that until the said preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any county, city, town or township interested in the railway, or otherwise, to pay out of the general funds of such municipality, such preliminary expenses, which sums shall be refunded to such municipality from the stock of the said company, or be allowed to them in payment of stock.

Capital stock,  
and increase  
thereof.

Application of  
moneys.

**4.** Robt. Macfie, John Hunter, U. M. Smith, F. M. Townsend, F. U. Derick, Wm. Chilton, H. H. Beerwort, G. N. Clark, C. S. Rowe, R. Bowers, L. Roy, L. H. Trudeau and J. Lamoureux, are hereby constituted and appointed the first board of directors of the company, any five members thereof to form a quorum for the transaction of business.

Provisional  
direction.

**5.** The said directors are hereby empowered to take all necessary steps for opening the stock books for the subscriptions of persons desirous of becoming shareholders in the said company, and all persons subscribing to the capital stock of the said company, shall be considered proprietors and partners in the same, but shall be liable only to the extent of their stock therein.

Opening of  
subscription  
bookv.

**6.** All manufacturing or other corporations carrying on their operations in whole or in part within the counties traversed or to be traversed by the said line of railway, whether incorporated by special act or under any general act, may subscribe for or otherwise acquire and may hold any number of shares of the capital stock of the said company, and may dispose of the same at pleasure.

Certain corpo-  
rations may  
take shares.

**7.** When so soon as one-tenth part of the paid capital stock shall have been subscribed as aforesaid, and so soon as one-tenth part of the subscribed stock shall be paid up, it shall and may be lawful for the said directors or a majority of them, to call a meeting of the shareholders at such time

Meeting for  
election of first  
directors.



and place as they may think proper, giving at least two weeks' notice in one or more papers published in any town or county upon the line of the said railway, at which general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present either in person or by proxy, shall elect nine directors in the manner and qualified as hereinafter provided, which said nine directors shall constitute a board of directors, and shall hold office until the first Monday of March in the year following their election.

Meeting for  
elections of  
subsequent  
directors.

8. On the said first Monday of March, and on the first Monday of March in each year thereafter, shall be holden a general meeting of the shareholders of the said company, at the principal office of the said company, at which meeting the shareholders shall elect nine directors for the then ensuing year, in the manner and qualified as hereinafter provided.—And public notice of such annual general meeting and election shall be published one month before the day of election in one or more newspapers published in any town or county upon the line of the said railway, and the elections of directors shall be by ballot, and the persons so elected, shall form the board of directors.

Quorum of  
directors.

9. Five directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors; provided, however, that no such person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls on the said stock.

Voting.

10. In the election of directors under this act, and in the transaction of all business at general stockholders meetings, each shareholder shall be entitled to as many votes as he holds shares, upon which the calls have been paid up.

Calling in of  
instalments.

11. The directors may, at any time, call upon the shareholders for instalments upon each share which they or any of them may hold in the capital stock of the said company, in such proportion as they may see fit, in such a manner that no such instalment shall exceed ten per cent, nor fall due until two months from the time of the falling due of the previous instalment, one month's notice having been given in such a manner as the directors may appoint.

Form of deed  
of conveyance  
of land—regis-  
tration thereof.

12. All deeds and conveyances of lands to the said company, for the purposes of this act, in so far as circumstances will admit, may be in the form given in schedule A, to this act subjoined, or in any other form to the like effect, and for the purposes of due enregistration of the same all registrars in their respective counties, shall be furnished by, and at the expense of the said company, with a book, with copies of the forms given in the said schedule A, one to be printed on each page, leaving the necessary blanks to suit

the circumstances upon each separate conveyance, and shall, upon the production and proof of the due execution of any such conveyance, enter the same in the said book without any memorial, and shall minute the enregistration or entry on the deed, and the registrar shall charge and receive from the said company, for all fees on every such registration, fifty cents and no more, and such enregistration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding.

**13.** The directors of the said company shall have the power, upon being duly authorized thereto, by a vote of a majority of stockholders in the said company present at any annual meeting in the month of March, for the purpose of electing directors, or at any special meeting called for the purpose, having had one month's notice in one or more newspapers, in any town or county upon the line of the road, to issue their bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the undertaking, and such bonds shall be and be considered to be privileged claims upon the property of the said company, and shall bear hypothec upon the said railway without registration; provided, however, that no such bonds bearing such hypothec, shall be issued until after twenty-five per cent of the whole capital stock of the said company, as provided by this act, shall have been expended in and upon the said railway, and provided also that the amount raised upon such bond shall not exceed two hundred and fifty thousand dollars, unless and until the capital stock shall be increased, and thereafter the amount of said bonds so to be issued, shall not exceed fifty per cent of the amount of the capital stock of the company.

Power to issue bonds.

Bonds to be privileged.

Proviso.

**14.** That the directors of the said company shall have power and authority to enter into and conclude any arrangements with any other chartered railway company, for the purpose of making any branch or branches to facilitate a connection between this company and such other chartered railway company.

Arrangements for branch connections.

**15.** Advantage may be taken of the forfeiture of shares without the same having been declared to be forfeited at a general meeting of the company assembled at any time after such forfeiture occurs, provided the same be declared to be forfeited at any meeting of the board of directors.

Directors may declare forfeiture of shares.

**16.** The directors or a majority of them may supply, the place or places of any of their number, from time to time, dying or declining to act as such directors, from among the several persons being subscribers for or owning and holding shares in the said company, sufficient to qualify him or them to act as directors as aforesaid.

Vacancies among directors.

Agreements  
with other R.  
R. Companies  
for certain  
purposes.

17. It shall be lawful for the said company to enter into any agreement with any other railway company, for leasing the said railway or any part thereof or the use thereof, at any time or times, or for any period, to such other company and railway, or part thereof or the use thereof, or for the leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies of the railway, or movable property of either or both or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof.

Power to ac-  
quire lands  
along the line,  
not exceeding  
1000 acres.

18. The said company may, from time to time, purchase, have, hold, take, receive, use and enjoy any movable property, not exceeding in the whole one thousand acres along the line of the said railway, or in the vicinity thereof, but separated therefrom, and if separated therefrom, then with the necessary right of way thereto, which it may please Her Majesty or any person or corporation, to give, grant, sell or convey unto and to the use of the said company, and the said company may cut wood, and dig earth, gravel and stones on any such land, either for their own use in the construction and keeping in order and working of the railway or for sale, and may establish stations, sidings, branches, work-shops, wood-yards and gravel pits on any such lands, and may sell firewood or timber cut on such lands, and may from time to time sell and dispose of any of such lands not required or necessary to be retained for gravel pits, sidings, branches, wood-yards, stations, grounds or work-shops, or for other purposes of the said company, and may acquire others in lieu thereof.

## SCHEDULE A.

### FORM OF DEED OF SALE.

Form.

Know all men by these presents, that I, A. B., of  
do hereby and in consideration of  
paid to me by the St. John's and Clarenceville Junction  
Railway Company, the receipt whereof is hereby acknow-  
ledged, grant, bargain, sell and convey unto the said St.  
John's and Clarenceville Junction Railway Company,  
their successors and assigns, all that tract or parcel of land  
(describe the land), the same having been selected and  
laid out by the said company for the purpose of their rail-  
way; to have and to hold the said land and premises, unto  
the said company, their successors and assigns for ever.

Witness my hand and seal, this                      day of  
                                  , one thousand eight hundred and                      ,

A. B. (L. S.)

Signed, sealed and delivered in presence of

CAP. XXVIII.

**An Act further to amend the Charter of the South Eastern Counties' Junction Railway Company.**

[Assented to 24th December, 1870.]

**WHEREAS** the South Eastern Counties' Junction Rail- Preamble.  
way Company have set forth and shown that they have made great progress in the construction of their railway, having already completed one important section thereof, and are actively at work on other sections of the same, under contract duly entered into for the construction of the whole of their said railway; that under such contract their contractor is, or very shortly will be, entitled to an issue of certain of their bonds in his favor, but that under section fifteen of their charter, they can only issue the same in pursuance of a vote of a majority of the shareholders present at any annual meeting in the month of September, and at their last annual meeting such vote was by mere inadvertence not passed; that it may seriously prejudice their operations, if they should be compelled to wait until after their next annual meeting before the issue of any such bonds; and whereas it is expedient to amend the said charter, as they therefore pray, in such manner as to allow them to authorize the issue of such bonds at any special general meeting duly called to that end; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The fifteenth section of the act passed at the session of 29 and 30 Vict. the Parliament of the late province of Canada, held in the chap. 100, sec. 18 amended. twenty-ninth and thirtieth years of Her Majesty's reign, and intituled, "An Act to incorporate the South Eastern Counties Junction Railway Company," is hereby amended by striking out therefrom the words "in the month of September, for the purpose of electing directors," and substituting therefor the words "or special general meeting duly convened for that purpose, by public notice inserted for at least two consecutive weeks in some newspaper published on or as near as may be to the line of the said railway."

2. The act hereby amended, that passed at the session of this Legislature held in the thirty-second year of Her

present to form  
one and the  
same act.

Majesty's reign, intituled: "An act to amend the act incorporating the South Eastern Counties' Junction Railway Company," and this act shall be held and construed as though forming one and the same act; and the expression "the charter of the South Eastern Counties' Junction Railway Company," shall be a sufficient citation of the same.

## C. A P. XXIX.

An Act to empower the Huntington Mining Company to work a certain tramway from their mine in Bolton to the Stanstead, Shefford and Chambly Railroad and to the navigable waters of Lake Memphremagog.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS the Huntington Mining Company has petitioned the legislature setting forth that the said Company has made great progress in the construction of a Tramway connecting their mine in the township of Bolton with the eastern terminus of the Stanstead, Shefford and Chambly railroad and with the navigable waters of Lake Memphremagog, and praying for the passing of an act to remove doubts as to their power to work the same for the public convenience; and it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

The company's  
tramway shall  
be subject to  
Railway Act of  
1869.

1. The said mining company may exercise, as to the said proposed tramway, all and singular the powers conferred upon railway companies in this province by "The Quebec Railway Act, 1869"; and to that end the said tramway shall be a railway within the meaning of the said act.

Company may  
make agree-  
ments with  
other Compa-  
nies for certain  
purposes.

2. The said company may enter into any agreement with any other railway company in this province for the leasing of the said railway or tramway or any part thereof, or the use thereof for any time or times or for any period to such other company; or for the leasing or hiring from such other company of any railway or part thereof, or the use thereof; or for the leasing or hiring of any locomotives, tenders or movable property; and generally may make any agreement or agreements with any such other company touching the use or sale by one or the other or by both companies of the railway or movable property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; and any such agreement shall be valid and shall be enforced by courts of law according to the terms and tenor thereof.

## CAP. XXX.

An Act to erect the Registration Division of Sherbrooke,  
into a separate County Municipality.

[Assented to 24th December, 1870.]

WHEREAS R. D. Morkill, J. Campbell, W. W. Beckett, J. S. Walton, W. Ritchie, Wm. Griffith, and others, inhabitants of the town of Sherbrooke; B. Pomroy, John D. Moore, Wm. Fling, J. Longee, and others, inhabitants of the township of Compton; H. Moe, and others, inhabitants of the township of Orford, and J. B. Paddon, Gabriel Carron, and others, inhabitants of the Township of Ascot, have by their several petitions prayed that the said town of Sherbrooke, and townships of Compton, Ascot and Orford, be united into one separate county municipality, and it is expedient to grant the prayer of the said petitions;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The registration division of Sherbrooke, as described in the ninety-seventh section of chapter thirty-seven of the consolidated statutes for Lower Canada, is hereby constituted, and shall hereafter form and be a separate county municipality, for municipal purposes, under the name of the "county municipality of Sherbrooke," and shall have, exercise and perform all the attributes, powers and duties which are now or may be hereafter conferred or imposed by law upon county municipalities.

2. The said county municipality of Sherbrooke shall comprise and be composed of four separate local municipalities to be named and constituted as follows; that is to say: The municipality of the town of Sherbrooke, to consist of the town of Sherbrooke as it was on the first day of July, eighteen hundred and fifty-five; the municipality of Orford, to consist of the remainder of the township of Orford; the municipality of Ascot, to consist of the remainder of the township of Ascot; and the municipality of Compton, to consist of the township of Compton.

Nevertheless, whenever the village of Lennoxville shall have been erected into a separate municipality, the said county municipality shall consist of five local municipalities instead of four; the fifth local municipality shall be the municipality of the village of Lennoxville, to consist of such portion of the township of Ascot as may be ascribed to it, and the municipality of Ascot above named shall then only consist of such portion of the said remainder of the township of Ascot as shall not be comprised in the municipality

of the Village of Lennoxville, and that portion now in the town of Sherbrooke.

This act not to affect a certain by-law.

3. Nothing in this act contained shall affect or shall prevent the operation of a certain by-law passed by the municipal council of the county of Compton for the purpose of assessing the said county in aid of the St. Francis and Megantic Railway Company, nor shall this act in any manner interfere with any proceedings to be had or judgment to be rendered in respect thereof, it being the intention of this act that if the said by-law is finally declared valid by the courts of justice, it shall have full force and effect, and that if it be declared not valid it shall remain null and void and of no effect. The municipal code shall apply to the proceedings under this act when the said code comes into force.

Voters' lists for township of Compton to belong to county of Compton.

4. Notwithstanding anything contained in this act, or in any other act, the duplicate list of voters at elections of members of the legislative assembly of this province, which the secretary-treasurer of the municipality of the township of Compton is required by law to deliver to the registrar of the county or registration division within which the said municipality is situate, shall be delivered to the registrar of the registration division of Compton, and not to the registrar of the registration division of Sherbrooke.

## C A P . X X X I .

An Act to divide the County of Stanstead into two registration divisions.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

County of Stanstead to form two registration divisions.

Limits of Stanstead division.

Limits of Coaticook division.

1. On and after the day to be fixed by proclamation as hereinafter mentioned, the county of Stanstead, for all the purposes of the acts relative to the registration of titles and other documents affecting real estate in the province of Quebec, shall be divided into two registration divisions, whereof one, which shall be called the registration division of Stanstead, shall include the townships of Stanstead, Magog and Hatley, the village of Stanstead Plain and that part of the township of Barnston west of the line dividing lot number five from lot number six, in all and every the ranges thereof; and the other, to be called the registration division of Coaticook, shall include all the remainder of the said township of Barnston, not included in the said registration division of Stanstead, the township of Barford and the village of Coaticook.

2. The registry office of the registration division of Coaticook shall be held in the village of Coaticook.

3. The present registrar shall, without any new appointment, be the registrar for the said registration division of Stanstead, and the registry office at present established at the village of Stanstead Plain shall be and continue to be the registry office of the said registration division of Stanstead.

4. A registrar may be appointed at any time after the passing of this act, for the said registration division of Coaticook, so soon as a suitable building, with a safe, shall be erected, at the costs and charges of the village of Coaticook comprised in the said registration division of Coaticook, and near the place where the sittings of the circuit court are held, and such registrar shall enter into office on such day as shall be fixed for the purpose by proclamation of the lieutenant-governor.

## CAP. XXXII.

An Act to detach from the Municipality of East Chester, in the County of Arthabaska, a certain portion thereof, and to constitute the same into a separate Municipality.

[Assented to 24th December, 1870.]

WHEREAS the mayor, councillors and others, inhabitants of the municipality of East Chester, have by petition prayed that a portion of the said municipality may be detached and constituted into a separate municipality; and it is expedient to grant their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. From and after the passing of this act, lots twenty-one to twenty-eight, both inclusively, in the first five ranges of the township of Chester, and lots twenty-one to lot twenty-eight both inclusively in the first range of the township of Halifax, shall be detached from the municipality of East Chester and shall form a distinct and separate municipality under the name of the "Municipality of North Chester," for all municipal and school purposes.

2. A meeting of the inhabitants of the said Municipality of North Chester shall be held on the first Monday in the month of February, one thousand eight hundred and seventy-one, for the election of councillors in accordance with the provisions of the municipal act then in force.

3. The said municipality of North Chester may obtain extracts from the last valuation rolls of the municipality of East Chester affecting all property situated within the limits



of East Chester.

Said extracts may be used as valuation rolls without delay.

North Chester to remain liable for its debts.

of the said municipality of North Chester; and such extracts certified by the secretary of the municipality of East Chester, shall serve as a valuation roll for the said municipality of North Chester until others shall have been made.

4. The said municipality of North Chester may use the said roll for the carrying into effect of all the duties imposed on them in virtue of the municipal and electoral laws without awaiting the periods mentioned in said laws.

5. Nothing contained in this act shall have the effect of discharging any portion of the said municipality of North Chester from debts and obligations contracted prior to the passing of this act.

### CAP. XXXIII.

An Act to annex a portion of the Municipality of Durham to the Municipality of South Durham.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS certain proprietors and rate-payers residing in the municipality of the township of Durham, in the county of Drummond, have prayed to be annexed to the municipality of South Durham, in the said county, and it is expedient to grant their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain lots in Durham annexed to municipality of South Durham.

1. From and after the passing of this act, all the lots in the eighth range of the township of Durham, in the county of Drummond, from lot number one to lot number fourteen inclusively, shall be detached from the municipality of the township of Durham and annexed to the municipality of South Durham for municipal purposes.

Owners of such lots to remain liable for former debts.

2. Nevertheless, the proprietors of the lots thus annexed and their representatives shall be held and liable, as regards the past only, for such portion of all municipality debts or dues contracted and payable when this act comes into force, by the said municipality of the township of Durham, as they would have been liable for, had they continued to form part of the municipality of the township of Durham.

### CAP. XXXIV.

An Act to extend the limits of the Municipality of the Village of St. Jérôme, in the District of Terrebonne.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS it hath, by petition, been represented to the legislature that an extension of the limits of the

municipality of the village of St. Jérôme, in the county of Terrebonne, in the district of Terrebonne, as hereinafter designated, would be of great public benefit; and whereas, the proprietors of lands included within the extension of said limits, have petitioned that the same be granted; and whereas notice of such demand was published and posted at the parochial church door of the said municipality, and that all and every the interested persons have been notified thereof; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The limits of the municipality of the village of St. Jérôme, in the county of Terrebonne, in the district of Terrebonne, shall, after the passing of this act, be as follows, to wit: on the western side of the *Rivière du Nord*, they shall extend from the Meunier road to the property of Alphonse Bélanger inclusively, on the whole depth of the lands of that concession, including therein the property of Toussaint Trudelle, situate on the eastern side of the property of the said Alphonse Bélanger; on the eastern side of the said *Rivière du Nord*, they shall extend from the road of the *Côte St. André* to the northern line of the property of Mélasippe Longpré, including within such limits, in addition to the limits of the village of St. Jérôme now existing, all the lands of the first concession of the *Rivière du Nord* to the southern line of the domain de Bellefeuille, and thence, from a distance of thirteen arpents from the said *Rivière du Nord* to the upper part of the island of the said Mélasippe Longpré, including all the islands in the said *Rivière du Nord* situate within the aforesaid limits.

New limits  
of the Municipality of the  
village of St. Jérôme.

## CAP. XXXV.

An Act further to amend the provisions of the several acts relating to the incorporation of the City of Quebec.

[Assented to 24th December, 1870.]

WHEREAS the corporation of the city of Quebec have by their petition prayed for further amendments to the acts incorporating the city of Quebec, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The first, second, seventh, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth subsections of the eleventh

Parts of ss. 11,  
of 29 V. c. 35,  
and ss. 3, 6, 7,  
of 33 V. c.

46 repealed. section of the act twenty-ninth Victoria, chapter fifty-seven, and the fifth, sixth, seventh and eight sections of the act thirty-third Victoria, chapter forty-six, are repealed by the present act, and the following substituted therefor :

Two lists to be prepared before 1st. Feb; the one of persons entitled to vote for Councillors and who shall have paid their taxes; **2.** Before the first day of February of each year the valutors or assessors shall prepare for each ward from the assessment books for the then current fiscal year two alphabetical lists, one containing the names of all persons who shall appear by such books to be assessed at rates sufficiently high to entitle them to vote in such ward for councillors and who shall have paid all their assessments and arrears of taxes other than water-rates before six of the clock in the afternoon of the twentieth January preceding, for the then current fiscal year.

The other of persons entitled to vote for Aldermen, and who shall have paid their taxes. **3.** The other shall contain the names of all persons being entitled to vote for Aldermen who shall have paid their assessments before six of the clock in the afternoon of the twentieth January preceding of the then current fiscal year. If the twentieth January be a non-juridical day, the delay mentioned in this and the preceding section will only extend until six of the clock of the preceding juridical day.

Said lists to be certified and deposited for a certain time in the city clerk's office. **4.** Before the said first day of February, the valutors or assessors shall certify each of the said lists, and shall deliver them to the city clerk, in whose office they shall remain deposited from the said first day of February until the fifteenth day of the said month, these two days included, from nine of the clock in the morning, until four of the clock in the afternoon.

Clerk to give notice that lists are deposited and that application may be made to correct them. **5.** Before the said first day of February, the said city clerk shall give public notice of the deposit of the said lists, notifying thereby that the said lists so deposited shall be, during the said period, communicated to whomsoever shall apply for them, and that any elector desirous of having any name inserted on either of the said lists or erased therefrom, shall make application therefor, within the delay hereinafter mentioned.

Board of revisors to sit on the 4th of March. **6.** The board of revisors shall sit on the fourth day of March of each year in the city hall of the said city, in the chamber wherein are held the sittings of the council, at the hour specified in the public notice which shall be given by the city clerk. If the fourth day of March should be a non juridical day, the first sitting shall be held on the first following juridical day.

No application for correction of list to be received after a certain delay. **7.** No application to have a name added to or erased from the said lists shall be received in the said city clerk's office after four of the clock in the afternoon of the last juridical day of February.

What the application shall set forth, notice **8.** Every such application shall set forth the grounds whereon it is founded, and if it is to have a name erased,

it shall be signified to the person whose name is sought to be erased, at least two full days prior to the fourth day of March. The said service shall be made and proved by a bailiff of the superior court in the same manner as services of process in civil matters. If the person whose name is in question do not reside within the city limits, the said notice shall be deposited in the post office of this city in a franked registered letter, to the address of the said person, three days at least before the said fourth day of March.

9. All persons having an interest in such addition to or erasure from such lists may be heard personally or by attorney at law or an agent, but the latter shall require a written authorization. They may produce witnesses who will be sworn by the clerk and their names entered in the minutes of the proceedings.

Parties interested may be heard.

10. The board of revisors shall be invested with all the powers, authority and jurisdiction of the recorder's court of the said city, for compelling the summoning and appearance of witnesses, as well as their answering all legal questions put to them, and the maintenance of order during the time the board of revisors shall sit.

Powers of the board of revisors to examine witnesses and keep order.

11. After hearing the evidence adduced by either of the parties, the board of revisors will maintain or reject, to the best of its judgment, the applications so made before it, and will order, as the case may be, the addition or erasure sought for.

Revisors shall maintain or reject the application.

12. The city clerk shall be the clerk of the said board of revisors. He shall keep the minutes of the proceedings and shall sign them, as well as all subpœnas, orders and decisions made, given and pronounced by the said board.

City Clerk to be clerk of the revisors.

13. Four days at least immediately previous to the said fourth day of March, the said clerk shall give notice in two newspapers published in the said city, in the French and English languages, respectively, of the day, place and hour when the board of revisors will revise the said lists, appointing the order in which the said lists shall be revised.

Notice to be given previous to revision.

14. The revision of the said lists shall be completed on or before the first day of April of each year. After such revision they will be signed by the mayor and clerk of the said board and sealed with the corporation seal, and all applications made as provided by the eighth section of this act not adjudicated upon or determined before the said first day of April shall from and after that date be deemed and considered as never having been made.

Revision to be completed before 1st April; applications not decided before that day to be null.

15. Section four of the act thirty-third Victoria, chapter forty-six is repealed, and the following substituted therefor:

S. 4 of 33 V. c. 46 repealed.

"Any unusual vacancy in the office of alderman or councillor shall be filled as follows:

As soon as such vacancy shall occur, the mayor shall appoint a day for the nomination of the candidates for such

How vacancies among aldermen.

men or councillors shall be filled.

vacant office, and two other days on which the voting shall take place at the office of the city clerk (without prejudice to the manner of voting prescribed by section ten of the act thirty-third Victoria, chapter forty-six and the present act) in the manner prescribed by the said act thirty-third Victoria, chapter forty-six, on the ordinary expiration of office of a councillor or alderman; but there must be an interval of at least fifteen days between the nomination day and that of the closing of the said two polling days at the office of the city clerk; the notice given by the mayor shall be inserted in a French newspaper and an English newspaper published in the city of Quebec, at least two days before that fixed for the nomination of the candidates, and the clerk or his deputy shall make his report, as prescribed for general elections, with the exception of matters of time upon the number of votes so registered, at the end of the said two polling days and the acts and proceedings subsequent to such report, and the recorder shall, as soon as possible, proclaim the newly elected member upon receiving such report which shall be given to him by the clerk within the shortest possible delay.

§ 13 of s. 10 of 33 V. c. 46 amended.

16. The thirteenth subsection of the tenth section of the thirty-third Victoria, chapter forty-six, is amended by striking from the third and fourth lines thereof the words "with the certificate of another elector" and substituting the following "under a false name or under the name of another," and by adding after the words "constable present at any such election" in the seventh line thereof, the following words, namely: "or by the person presiding at the said election."

§ 1 of s. 2 of said act amended.

17. The words "before the first of March of each year" in the first subsection of the second section of the said act, shall be replaced by the words "on or before the twentieth of January," as above mentioned.

§ 7 of s. 10 of said act amended.

If person desiring to vote in writing is unknown to officer.

18. The following paragraph shall be added to the seventh subsection of the tenth section of the act thirty-third Victoria, chapter forty-six. "If the person who desires to vote by declaration or affidavit as mentioned in the preceding subsection is unknown to any one of the above mentioned officers before whom he has appeared, he may be identified by two persons, personally known to the said officer, and they shall sign the said declaration together with the said officer."

Corporation may complain of any entry in assessment books after notice given.

19. Whenever the corporation shall consider itself aggrieved by an entry made in any of the assessment or valuation books of the said city, it will be competent for the city treasurer, in the name of the said corporation, to complain of any such entry, in the manner and at the time prescribed by the first subsection of the twentieth section of the act twenty-ninth Victoria, chapter fifty-seven, and

the said corporation shall be bound to give eight days notice to the person affected by such entry.

2. The said recorder's court may also at any time, on demand brought before it by the city treasurer, correct any error and supply any omission whatsoever, as to the right of property, possession or occupation of any immovable property within the said city, or as to the name, quality, or domicile of any person subjected to any assessment or tax whatsoever, which now or hereafter may exist in any assessment book for any specified year, in conforming to the procedure as laid down in the twentieth section of the same act.

3. The decision or judgment of the said court on all matters of revision or correction of the said assessment books shall be final and without appeal.

20. Interest at the rate of six per cent, shall be payable on all sums exigible by the corporation and not paid before the first day of November of each and every year, which interest shall be computed from the said first day of November until payment is fully made.

21. That in all cases of separation as to property between husband and wife stipulated by marriage contract or existing by virtue of a judgment of a court of justice, whether such separation took place before or since the passing of the present act, in each and every case it will suffice to enter the name of the husband or that of the wife on the roll of assessments of the city of Quebec for the assessments, rates, taxes and personal taxes, and the water rates to be imposed on the movable or immovable property belonging to the wife so separated as to property, and all judgments so rendered against the husband alone may be levied against the movable or immovable property of the wife, without the latter having a right to stay the execution of the judgment by any opposition based solely on the fact of such separation.

22. The following subsection shall be added to the second subsection of the fourteenth section of the act thirty-three Victoria, chapter forty-six.

3. If a proprietor or possessor of an immovable property is domiciled without the limits of the city, the tenant or occupant shall be liable for all the taxes and water rates imposed upon the property, and such tenant or occupant shall have the right to deduct the same from the rent payable to the proprietor.

23. The first subsection of the seventeenth section of the said act is repealed, and the following substituted therefor :

1. Every person of the male sex above the age of twenty-one, and under the age of sixty years, not otherwise personally taxed, shall pay an annual or capitation tax of two dollars currency.

Recorder's court may make certain corrections in said books on demand by city treasurer.

Decision of recorder's court in such matters to be final.

Interest payable on sums remaining due corporation after 1st Nov.

Judgments against a husband may be executed against his wife separated as to property.

§ 2 of s. 14 of 33 V., c. 46 amended.

Liability of tenant of absent proprietor.

§ 1 of s. 17 of said act repealed.

Of Capitation tax.

Half tax im-  
posable on  
tenants of pro-  
perty exempt  
from taxation.

**24.** If any person, other than the proprietor occupy a property exempt from assessments or taxes, the corporation may impose upon the said person an amount of assessments and taxes equal to the half of that which the corporation could impose upon the said property, if the same were leviable, and it shall also have the right to collect from the said person water rates to which like immovable property in the city of Quebec is liable.

§ 4 of s. 18 of  
29 V., c. 57  
amended.

**25.** The fourth subsection of section eighteen of the act twenty-ninth Victoria, chapter fifty-seven, is hereby amended by adding thereto the following words:

Exemption of  
church pro-  
perty &c., from  
taxation.

“ But such new assessors shall not have power to assess or tax churches, chapels and other edifices used for the purposes of religious worship and cemeteries.”

This act to  
form one with  
the acts amend-  
ed.

**26.** The present act shall be considered as forming but one and the same act with the acts hereby amended.

Repeal of in-  
consistent pro-  
visions.

**27.** All acts or portions of acts contrary to or incompatible with the provisions of the present act are hereby repealed.

## C A P. X X X V I.

An Act to amend the act twentieth Victoria, chapter one hundred and twenty-five, intituled: “An Act “to divide the Quebec Turnpike roads into two “separate Trusts, and to make other provisions “relative thereto.”

[Assented to 24th December, 1870.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

S. 2 of 20 V.,  
c. 125 amend-  
ed.

**1.** The second section of chapter one hundred and twenty-five of the act twentieth Victoria is hereby amended by substituting the words, “not exceeding seven persons,” for the words “not exceeding five persons,” in so far as regards the Quebec South Shore Turnpike Road Trustees.

## C A P. X X X V I I.

An Act to amend the Acts relating to the Corporation of the City of Montreal, and for other purposes.

[Assented to 24th December, 1870.]

Ensemble.

**W**HEREAS the corporation of the city of Montreal have by their petition, represented that it has become necessary, in the interest of the citizens of the said city, to

make several alterations to its acts of incorporation; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The clerk of the city of Montreal and the treasurer of the said city may respectively affix their signature to the certificates and to the notices which they are required to give by the seventeenth and forty-ninth sections of the act passed in the session held in the fourteenth and fifteenth years of Her Majesty's reign, chapter one hundred and twenty-eight, and by the fortieth and forty-sixth sections of the act passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chapter sixty, by stamping said signature thereon with a stamp to be previously approved by the council of the said city, and used exclusively for that purpose; and the signature so affixed shall be, to all intents and purposes, as valid as if in the hand writing of the said clerk and of the said treasurer; and neither the authenticity of any such stamped signature, nor the authority of either of the said officers by whom the same may be so affixed shall be called in question, except on behalf of the said corporation; and except the officers above referred to, all persons are hereby prohibited under the penalty hereafter mentioned from using the said stamped signatures, and any person knowingly, using, or uttering any stamped signature intended to represent the genuine stamped signature as aforesaid shall, upon conviction before the recorder's court, be liable to a fine of one hundred dollars currency, and, in default of the immediate payment of such fine, to an imprisonment not exceeding three months in the common gaol of the district of Montreal, or in the house of correction of the said district, for each and every such offence, unless the said fine be sooner paid.

City clerk and treasurer may use stamp signatures, to notices &c., required by ss. 17 and 49, of 14 15 V., c. 128, and ss. 40 and 46 of 27, 28 V., c. 60.

Penalty for others using said stamp.

**2.** To correct the error of reference which exists in the twenty-fifth section of the thirty-second Victoria, chapter seventy, the words "twenty-sixth and twenty-eighth" are struck out, and the words "twentieth and twenty-fourth" are substituted in their place.

S. 25 of 32 V., c. 70 amended.

**3.** It shall be lawful for the corporation of the said city to effect the following loans, that is to say :

Corporation empowered to effect loans, \$25,000 for exhibition buildings.

**1.** A sum not to exceed twenty-five thousand dollars, currency, to establish and erect in the said city or its vicinity permanent buildings for the agricultural and industrial exhibitions of this province, and to acquire the necessary site therefor, and the said corporation is authorized to issue under the signature of the mayor and the seal of the said corporation, bonds or debentures to the amount of the said sum of twenty-five thousand dollars, payable twenty-five years after the date of their issue, and bearing interest at a

Bonds for that purpose.



Bonds privileged without registration.

rate not exceeding six per cent per annum, the said interest payable on the first May, and the first November in each year: and such bonds or debentures may be issued from time to time and for such amounts as may be deemed expedient, and shall, as regards the principal and interest, be secured by special mortgage and privilege, without the formality of registration at the registry office, by and upon the land, buildings and works, acquired and erected for the said purposes.

\$1,000,000 for drainage, &c.

Bonds for that purpose.

2. A sum not to exceed one hundred thousand dollars, currency, for the drainage and sewerage required in the said city; and the said corporation is authorized to issue under the signature of the mayor and the seal of the said corporation, bonds or debentures, to the amount of the said sum of one hundred thousand dollars, payable twenty-five years after the date of their issue, and bearing interest at a rate not exceeding six per cent per annum, payable on the first May and the first November in each year; and the said bonds or debentures may be issued, from time to time, for such amount as may be deemed expedient, and shall, as regards the principal and interest be secured on the general funds of the said corporation.

How secured.

\$200,000 for opening streets &c.

Bonds for that purpose.

How secured.

Proviso.

3. A sum not to exceed two hundred thousand dollars, currency, for the opening or widening of streets, squares or public places in the said city; and the said corporation is authorized to issue, under the signature of the mayor and the seal of the said corporation, bonds or debentures to the amount of the said sum of two hundred thousand dollars, payable twenty-five years after the date of their issue, and bearing interest at a rate not exceeding six per cent per annum, payable on the first May and the first November in each year; and the said bonds or debentures may be issued from time to time, for such amount as may be deemed expedient, and shall, as regards principal and interest, be secured upon the said streets, squares or public places; provided however, that the said corporation shall not contribute, out of the said loan, more than one-third of the cost of the opening or widening of any street, square or public place, and the remaining two-thirds shall be paid by the proprietors interested in the said improvement, who shall be assessed to that effect by commissioners to be appointed and to act as provided in and by the twelfth and fourteenth sections (as the case may be) of the act passed in the twenty-ninth and thirtieth years of the reign of Her Majesty Victoria, chapter fifty-six; but such improvement will require to have been resolved upon by an absolute majority of the members of the council of the said city.

\$250,000 for paving streets &c.

4. A sum not to exceed two hundred and fifty thousand dollars currency, for paving streets, public places or squares in the said city in dressed stone, wooden block, or such

other mode of paving as the council may direct; and power is granted to the said council to pay one-half the cost of such paving, out of the funds of the said city, and to assess the other half, upon the proprietors, usufructuaries or *grevés de substitution* of the real estate situate on both sides of the said streets, public places or squares, in proportion to the frontage of the said real estate respectively; and it shall be the duty of the city surveyor to apportion and assess one-half the cost as aforesaid of the said paving, upon the said real estate in proportion to the frontage of such real estate, as aforesaid, and the above mentioned assessment and apportionment, as also that provided for in the next preceding subsection there shall be due and recoverable the same as all other taxes and assessments before the recorder's court, or before the civil courts, as the case may be; and the said corporation is authorized to issue, under the signature of the mayor, and the seal of the said corporation, bonds or debentures to the amount of the said sum of two hundred and fifty thousand dollars, payable twenty-five years after the date of their issue, and bearing interest at a rate not exceeding six per cent per annum, and payable on the first May and first November in each year; and the said bonds or debentures may be issued, from time to time, for such amount as may be deemed expedient, and shall, as regards the principal and interest, be secured by special mortgage upon the general funds of the said corporation.

Power to pay one-half of cost of paving and to assess the other half.

Bonds may be issued.

How secured.

5. A sum not to exceed sixty thousand dollars currency, for the following purposes: \$60,000 for certain other purposes.

10. To establish and erect police and fire stations;
20. To establish and erect a public market in the St. James ward of the said city;
30. To establish and erect a fish market in connection the St. Ann's market of the city;
40. To establish places of deposit for the filth and offal of the city;
50. To acquire the necessary site, for all and every the purposes aforesaid; and the said corporation is authorized to issue, under the signature of the mayor and the seal of the said corporation, bonds or debentures to the amount of the said sum of sixty thousand dollars, payable twenty-five years after the date of their issue, and bearing interest at a rate not exceeding six per cent per annum, payable on the first May and the first November in each year; and the said bonds or debentures may be issued, from time to time, for such amount as may be deemed expedient, and shall, as regards the principal and interest, be secured by special mortgage on the land, works and buildings to be erected thereon.

6. A sum not to exceed seventy-five thousand dollars, currency, for the purpose of establishing and erecting one

\$75,000 for slaughter houses.

Power to regulate slaughter houses.

Bonds may be issued.

How secured.

Where said loans may be effected.

Ss. 4, 5, 6 of 31 V., c. 37 to apply.

Power to take shares in, or to aid, railway companies.

or more public slaughter houses, and acquiring, by amicable settlement or by means of expropriation, as provided in the twenty-seventh and twenty-eighth Victoria, chapter sixty, the necessary sites therefor, either within or beyond the limits of the said city; and power is given to the council of the said city to pass all by-laws necessary for the proper regulation and administration of such slaughter houses; and the said corporation is authorized to issue, under the signature of the mayor and the seal of the said corporation, bonds or debentures, to the amount of the said sum of seventy-five thousand dollars, payable twenty-five years after the date of their issue, and bearing interest at a rate not exceeding six per cent per annum, payable on the first May and the first November, in each year; and the said bonds or debentures may be issued, from time to time, for such amount as may be deemed expedient, and shall, as regards the principal and interest, be secured by special mortgage, by and upon the land, works and buildings of the public slaughter houses of the said city.

4. The several amounts which the said corporation are authorized to borrow in the next preceding section and subsections, may be borrowed either in this province or elsewhere, in sterling money, or in current money of this province, or in the current money of the place where made payable; and all the provisions contained in the fourth, fifth and sixth sections of the act passed in the thirty-first year of the reign of Her Majesty Victoria, chapter thirty-seven, regulating the issue of bonds or debentures, their registration and transfer, and the establishment of a sinking fund under the responsibility of the treasurer of the said city, and his rights and obligations in that respect shall apply also to the issuing, enregistering, transferring and payment of the bonds or debentures the issue of which is authorized by the next preceding section and subsections, and to the establishment of a sinking fund, at the rate of two per cent per annum, upon the said above mentioned sums, for the purpose of paying off the said loans.

5. The corporation of the said city of Montreal shall have full power and authority, through the council of the said city, to subscribe to such number of shares as the said corporation may deem expedient in the capital stock of any railway company, the establishment of which may, in their opinion, tend to promote the interests of the said city, or to lend or guarantee the payment of any sum of money borrowed by such company from any corporation or person, by observing the formalities prescribed by law, and especially those prescribed in regard to such subscriptions or loans by municipal corporations in general in chapters twenty-four and twenty-five of the consolidated statutes for Lower Canada, or such other statutes as may be passed

in lieu of either of them during the present or any future session, and in force at the time such subscription is made, and in the railway act, chapter sixty-six of the consolidated statutes of Canada.

Power to elect railway directors to represent the corporation.

6. The said council of the said city shall have power and authority to choose and elect, independently of the mayor of the said city who, according to law, is *ex-officio* director, such number of directors not exceeding three, exclusive of the mayor, as may be agreed between the company and the said corporation, said directors to be chosen from among the members of the said council, and who shall, concurrently with the mayor, have equal rights with the other directors of any company as aforesaid; and they may exercise such rights as are hereby conferred upon them, so long as the amount subscribed or loaned by the said corporation, shall not have been re-imbursed; and the said directors shall be chosen and elected, and, as occasion may require, removed and others chosen instead, and may enter into office, so soon as the by-law required by law shall have gone through its final passing and the subscription made.

7. If any railway shall have its terminus or workshops in the eastern section of the said city, and shall connect the same with the harbour by a line running into the municipality of Hochelaga, or shall have its terminus and workshops within the said municipality, the limit of the said city may in that case be extended by the corporation of Montreal to a line to be drawn at a distance of ten arpents to the eastward of the point where such line joins the harbour or where such workshops may be constructed and running from the River St. Lawrence parallel with the present line until it strikes a prolongation of the northern boundary line of the city; but, before any portion of the municipality of Hochelaga is included within the limits of the said city of Montreal, the rate-payers of that portion must declare by a vote of the majority that they desire to be included within said limits, but this shall only take place after the by-law, to be made by the city council of Montreal, authorizing any subscription in favor of the said railway, shall have been voted upon and finally disposed of.

Limits of the corporation may be extended in a certain case and subject to certain conditions.

8. In the event of the extension of the city limits contemplated by the foregoing clauses, causing any damages or injury to the Montreal Turnpike Trust, said damages shall be ascertained and determined by amicable arrangements, arbitration, or in the manner relating to expropriations within the limits of the said city.

How any damages caused to turnpike trust by extension of limits shall be determined.

## CAP. XXXVIII.

An Act to authorize the Council of the City of Montreal to pass by-laws to prohibit proprietors and others from leasing their buildings or causing them to be occupied for purposes of prostitution.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS the corporation of the city of Montreal have, by their petition, represented that it has become necessary, in the interest of the said city, to obtain authority to pass a by-law to more effectually restrain prostitution, and prohibit proprietors and others from knowingly leasing their buildings for purposes of prostitution ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Power to pass by-laws prohibiting the leasing or allowing the use of houses for purposes of prostitution.

1. The council of the said city of Montreal shall have power and authority to pass by-laws to prohibit proprietors, usufructuaries or *grevés de substitution* and all others from knowingly leasing, sub-letting, causing or allowing to be occupied any houses, premises, or buildings whatsoever to or by persons of ill-fame for purposes of prostitution, and by such by-laws to impose a penalty for any violation thereof, not exceeding two hundred dollars currency, or imprisonment in the common gaol in the city of Montreal for a period not exceeding six months, and in default of immediate payment of the penalty, and all costs of prosecution, (if a penalty instead of imprisonment is by the conviction imposed), the offender shall be imprisoned in the said common gaol for a period of six months, unless such penalty and all costs shall be sooner paid.

## CAP. XXXIX.

An Act to amend the provisions of the act to incorporate the city of St. Hyacinthe.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS it is expedient to repeal and amend the act passed in the session held in the twenty-seventh year of the reign of Her Majesty, chapter twenty-second, intitled : " An Act to amend the provisions of the act to incorporate the city of St. Hyacinthe ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The act passed in the twenty-seventh year of the 27 v., c. 22 reign of Her Majesty, chapter twenty-second, intituled: <sup>repealed.</sup> "An Act to amend the provisions of the act to incorporate the city of St. Hyacinthe, is hereby repealed and the inhabitants of the city of St. Hyacinthe, within the limits <sup>Inhabitants of St. Hyacinthe incorporated.</sup> hereinafter described, and their successors, shall be and are hereby declared to be a body corporate and politic in fact and in law, by the name of "The Mayor and City Council of St. Hyacinthe," and by that name, they and their successors shall have perpetual succession and shall have power to sue and be sued, implead and be impleaded in all courts and in all causes and suits at law whatsoever, and shall have a common seal, with power to alter and modify the same at pleasure, and shall be in law capable of receiving by donation, acquiring, holding and departing with property, real or movable, for the use of the said city, of becoming parties to any contracts or agreements in the management of the affairs of the said city, and of giving or accepting any notes, bonds, obligations, judgments or other instruments or securities for the payment, or for securing payment of any sum of money loaned, or for the execution, or for guaranteeing the execution of any duty, right or thing whatsoever, and shall have all other collective rights and powers necessary for the performance of <sup>Corporate powers.</sup> the duties imposed upon them.

2. This corporation shall be represented by a council to be composed in the manner specially prescribed by this act, and all the rights and powers of the said corporation shall be exercised, and its duties and obligations shall be fulfilled by the said council and its officers. <sup>Corporation to be represented by a council.</sup>

This council shall be called "The City Council of St. Hyacinthe."

3. The city of St. Hyacinthe shall be bounded as follows, <sup>Boundaries of the city.</sup> to wit: on the south-west by the line dividing the mill property from that belonging to the estate of Eusebe Cartier from the mill causeway to the centre of Girouard street, thence by the centre of Girouard street as far as the centre of Bourdages street, thence by a line passing through the centre of Bourdages street to the point where it intersects St. Claude street, and thence, continuing along the line water course dividing the *Petit rang* road from the lands of the Fabrique as far as the lands of the *Petit rang*; on the north-west by the separation line between the river lands and the lands of the *Petit rang* from the *Petit rang* road as far as the north-eastern limit of the city; on the north-east by the line which separates the land upon which is built the college of St. Hyacinthe, from that which the corporation of the said college purchased from Antoine Charron dit Cabana, and on the south-east by the centre of the river Yamaska.

City divided  
into four wards

4. The city shall be divided into four wards, which shall be respectively designated and known as "ward number one," "ward number two," "ward number three," and "ward number four," and bounded as follows, that is to say :

"Ward number one" shall be bounded in front by the river Yamaska, on the north-east and in depth by the limits of the city, and on the south-west by the rear line of the emplacements lying on the north-east side of Ste. Marie street from the river to Girouard street, and thence by the same line prolonged to the limits of the city ;

"Ward number two" shall be bounded in front by the said river, in depth by the limits of the city, on the north-east by ward number one, and on the south-west by a line drawn through the centre of Mondor street, from the said river as far as Girouard street, thence along the middle of Girouard street, as far as the middle of Laframboise street, and thence along the centre of Laframboise street and its continuation as far as the limits of the said city ;

"Ward number three" shall be bounded in front by the said river, in depth by the limits of the city, on the north-east by ward number two, and on the south-west by a line drawn through the centre of St. Anne street from the river and prolonged as far as the limits of the city ;

"Ward number four" shall be bounded in front by the said river, in depth and on the south-west by the limits of the city, and on the north-east by ward number three.

On demand of  
proprietors  
adjacent pro-  
perties may be  
included in the  
city.

5. It shall be lawful for any proprietor of land immediately adjacent or contiguous to the limits of the city of St. Hyacinthe, upon notice given by such proprietor to the municipal authorities of the said city of St. Hyacinthe, and with the consent of the said authorities, signified by a by-law to be made by them to that effect, in the usual manner, to demand and obtain that the said land shall be included within the limits of the said city, and so on successively, for other proprietors having property so adjacent to properties thus successively included as aforesaid, and upon such property being included as aforesaid by by-law, the said proprietors whose properties shall be included, shall have and possess all the municipal privileges, and be subject to all the obligations, duties and charges imposed upon persons and properties originally included within the limits of the said city, and such property thus included shall form part of the wards of the said city to which it will be contiguous or adjacent, and upon the petition of the majority of the resident proprietors, possessing, by authentic title, lands within the extent of territory comprised between the road commonly called the *Petit rang* road and the division line between Ovide Desilets, esquire, and Pierre Edouard Leclerc, esquire,

or their representatives, and bounded in front by the river Yamaska, and in depth by the line of the lands of the *Petit rang*, it shall be lawful for the said city council to include the said extent of territory within the said city, and when the said extent of territory shall have been included by a by-law of the said city council, upon the petition of a majority of the proprietors as aforesaid, the proprietors whose properties shall have thus been declared included, shall possess all the municipal advantages and be subject to all the obligations, dues and duties imposed upon persons and properties originally included in the city.

6. The mayor and the councillors of the said city at present in office shall remain, and they are hereby continued in office for the whole of the period for which they have been elected, and they shall hold office until the expiration of their term of office in virtue of the twenty-seventh Victoria, chapter twenty-second; and the officers appointed by the said mayor and city council shall remain and they are hereby continued in their respective situations, until their formal revocation by the said council or the natural expiration of their powers; and all by-laws, ordinances, agreements, provisions and engagements whatsoever made and entered into by the said present mayor and council, or their predecessors in office, shall have and continue to have their full and entire effect, until the said by-laws, agreements and engagements shall have been regularly rescinded and abolished; and the said council, as constituted in virtue of this act, shall succeed to and be constituted in all the rights, powers, actions and claims of the city council of St. Hyacinthe, as it was constituted by the twenty-seventh Victoria, chapter twenty-second.

7. There shall be elected, in the manner hereinafter mentioned, a fit and proper person to be and who shall be called "the mayor of St. Hyacinthe," and two fit and proper persons to be councillors for each ward of the said city; but as soon as the extent of territory mentioned in the fifth section shall have been included, as prescribed by the said clause, within the limits of the said city, the said extent of territory shall form a ward by the name of "ward number five," and the municipal electors of the said extent of territory shall elect, in the same manner and at the same time as the other wards of the said city, the mayor and two councillors to serve in the council of the said city.

8. When any one of the wards of the said city shall contain more than two hundred and fifty municipal electors, such ward shall have a right to elect three councillors.

9. No person shall be elected mayor of the city of St. Hyacinthe, without having resided and kept house in the said city during the year immediately preceding such

Present council  
and officers  
continued in  
office.

By-laws,  
agreements,  
&c., continued.

Mayor and  
councillors to  
be elected.

Three council-  
lors may be  
elected in cer-  
tain wards.

Qualification of  
mayor.



election, or without having and possessing for his own use, immovable property in the said city, of the assessed value of eight hundred dollars.

Qualification of  
councillors.

**10.** The councillors of the said city shall be chosen from among the inhabitants of the said city, who are proprietors of the age of twenty-one years, and having freeholds therein, of the assessed value of four hundred dollars; and no person shall be eligible to or capable of exercising the office of mayor or of councilor of the said city, if he is not actually residing in the said city.

Certain persons  
disqualified  
from being  
elected.

**11.** No priest or minister of any religious sect whatever shall, nor shall any judge or member of the executive council of this province, nor any person who shall be accountable for the funds of the city, nor any person who shall receive a salary from the said city council for his services, nor any deputy or clerk employed at any election by virtue of this act, while he shall be so employed, nor any tavern-keeper or hotel-keeper, who shall keep or shall have kept a tavern or hotel within the six months preceding the election, be elected mayor or councillor of the said city.

Mayor or coun-  
cillors in cer-  
tain cases to  
become dis-  
qualified.

**12.** Every person holding the office of mayor, or councillor of the said city, who shall be declared bankrupt, or shall become insolvent, or shall apply for the benefit of any law made for the purpose of aiding or protecting insolvent debtors, or who shall cease to hold property to the sufficient assessed value, or who shall enter into holy orders, or shall become a minister of religion in any religious sect, or who shall be appointed judge or a member of the executive council, or who shall become accountable for the revenue of the city, in whole or in part, or who shall receive any pecuniary allowance from the city council for his services, or who shall absent himself from the said city, without authority from the council during the same period of two consecutive months, except on account of sickness, or who shall not attend the sittings of the said council during the same period of two consecutive months, except by reason of sickness or with the permission of the council, shall become, by any one of those circumstances *ipso facto* disqualified, and his seat in the said council shall become vacant, and such vacancy shall be filled according to the provisions of this act.

Qualification of  
voters.

**13.** The persons entitled to vote at the municipal elections of the said city shall be the male inhabitant freeholders of the age of twenty-one years, rated on the assessment roll of the said city, and in the actual possession of real estate in the said city, of the annual value of four dollars, and also the tenants, of the age of twenty-one years, who shall have resided and paid rent in the said city, at the rate of not less than twelve dollars per annum,

for a house or part of a house, during six months immediately preceding such election; and also, the leaseholders, of the age of twenty-one years, who shall have built on the property held on lease by them, houses, which might be *bona fide* leased for twelve dollars per annum respectively; provided always, that no person qualified to vote at any municipal election in the said city shall have the right of voting thereat, unless he shall have paid, at least three days before such election, all his accrued municipal assessments; and it shall be lawful for any municipal elector of the said city, to require the production of the receipt of the secretary-treasurer of the said city, for such accrued assessment as aforesaid, or in case the said elector shall have lost his receipt, he shall then produce a certificate from the secretary-treasurer, proving the payment of such taxes within the time above mentioned, and in default of the production of such receipt or certificate, the said elector shall not be entitled to vote at such election.

14. The persons having a right to vote at the municipal elections as aforesaid, shall vote in the particular wards in which the properties which qualify them to vote shall be situated and not elsewhere; and if any one possesses properties which would give him a right to vote in two or more wards, he shall have a right to vote only in the ward in which he shall be domiciled at the time of such election.

*In what ward  
proprietors  
shall vote.*

15. The tenants having a right to vote, shall vote in the ward where they shall be domiciled when the election takes place.

*In what ward  
tenants shall  
vote.*

16. The municipal elections of the said city shall be held on the first Monday of January in each year, or on the following day, if such Monday is a holiday of obligation, at nine of the clock of the forenoon, at the places appointed by the council, and they shall be announced by public notice posted up during the fifteen preceding days in the office of the secretary-treasurer of the said city, or published in a newspaper of the said city during the fifteen days which shall precede such elections, and this notice shall be signed by the mayor or by the secretary-treasurer of the said council, and shall set forth the day, place and hour at which the said elections shall be held, and all such elections shall take place whether previous notice be given or not.

*Time of hold-  
ing elections,  
and notice  
thereof.*

17. The mayor of the said city shall be elected by the majority of the votes of the electors of the said city qualified as aforesaid.

*Mayor to be  
elected by  
majority of  
votes.*

18. The mayor so elected shall continue to exercise all the powers vested in him as mayor of the said city until his successor in the said office shall have been elected and sworn in.

*Mayor to exer-  
cise his office  
until his suc-  
cessor is sworn  
in.*

Mayor to be  
*ex-officio* jus-  
tice of the  
peace.  
Mayor to con-  
trol officers.

**19.** The mayor of the city of St. Hyacinthe shall be *ex-officio* justice of the peace for the district of St. Hyacinthe.

**20.** The mayor of the city shall have the right of super-  
visal and control on all the officers appointed by the council,  
and shall see to the fulfilment of the orders and by-laws of  
the said council.

Who shall pre-  
side at annual  
elections.

**21.** The council of the said city shall name one of its  
members who is not going out of office, to preside at, and  
conduct the annual election, and shall appoint the places  
where it shall be held in each of the wards, such councillor  
having under him a deputy named and paid by the coun-  
cil for each of the wards of the said city. Such deputy  
must be an elector qualified to vote.

Deputy.

Poll clerk.

**22.** It shall be lawful to each of the said deputies to have  
a poll clerk whom he shall appoint by a writing under his  
hand.

Holding of  
polls.

**23.** The polls shall be open in each of the wards for  
receiving and recording the votes, from nine o'clock in the  
forenoon to five o'clock in the afternoon of the day fixed  
for such election, in case the said election shall not be made  
by acclamation; and at the close of the poll, the said  
deputies shall declare the person or persons who shall  
have received the greatest number of votes, duly elected.

Declaration at  
close of polls.

Deputy to have  
casting vote.

**24.** In case the candidates for office of councillors have  
an equal number of votes, the deputy, acting at such poll,  
shall give a casting vote in favor of one of them.

Election of  
mayor.

**25.** Whenever it shall be necessary to elect the mayor,  
the councillor named to preside the annual election shall  
also preside the election of the mayor, and shall have under  
him a deputy named and paid by the council, which  
deputy shall have the right to have a poll clerk named by  
him by a writing under his hand.

Deputy to have  
casting vote  
for mayor.

**26.** In case two or several candidates to the mayoralty  
should have an equal number of votes, the councillor pre-  
siding at the election shall have and give a casting voice in  
favor of one of them.

Where election  
shall be held.

**27.** The council shall fix the place where the election of  
the mayor shall take place.

Deputies and  
clerks to take  
an oath.

**28.** The councillor presiding at any election shall not be  
bound to take any oath for the holding of such election,  
because he will act under his oath of office; and before  
proceeding to hold any election under this act, each deputy  
and poll clerk shall take the following oath, which the  
councillor so presiding or any other councillor, or justice  
of the peace residing in the said city, is hereby authorized  
to administer, to wit:

Oath.

"I solemnly swear that I will faithfully and impartially,  
to the best of my judgment and ability, discharge the duties  
of deputy returning officer or poll clerk at the election  
which I am about to hold of a person (or persons) to serve

as mayor (or councillors, for the ward, &c., as the case may be) of the city of St. Hyacinthe.—So help me God."

**29.** Each deputy acting at such election shall enter or cause to be entered in a book by him kept for that purpose and in the same order as they shall be given, the votes of the electors, inscribing therein the names, surnames and designation of each of them. Names, &c., of voters to be registered.

**30.** In case one candidate only is proposed to the office of mayor, or councillor, each deputy, acting at such election, shall at once declare such candidate duly elected mayor, or councillor, as the case may be. If only one candidate he shall be declared elected at once.

**31.** The councillor presiding, and each deputy at any municipal election in the city, shall have the power, and they are hereby required to preserve peace and order at such election, and to this end, during the continuance of the said election, they shall and may cause to be imprisoned in the common gaol of the district of St. Hyacinthe, any person making or causing a disturbance, or rioting and fighting at such election, or using or threatening to use any violence for the purpose of preventing any elector from coming forward to vote, or from retiring after having voted, or from remaining as a peaceable spectator at such election, and they shall and may require and command the assistance of any person present at such election; or of any constable or peace officer in the said city, who are hereby required to give their assistance in arresting and imprisoning any person so causing noise, interruption, trouble or disturbance as aforesaid; provided always, that no such imprisonment shall be for a longer period than one calendar month; and the sheriff and gaoler who may be in charge of the said common gaol, are hereby required to receive any such offender on the warrant or order of the councillor appointed to preside at any such election; and every deputy shall have, in his ward, in the absence of the councillor presiding at the election, the same power as he; every person required by the councillor presiding or the deputy at any election to render assistance at such election, and who shall refuse to do so, shall be liable to a fine of not less than five nor more than ten dollars, or to an imprisonment for a period not exceeding one month. Powers of presiding councillor and deputies to maintain order.

**32.** The councillor presiding, or the deputy acting at any election under this act, shall have authority, and is hereby enjoined, whenever thereunto required by any person duly qualified to vote at such election, to examine on oath (or affirmation, in cases in which affirmation is allowed by law), any person offering to vote at any election; and the oath shall be administered by the councillor presiding, or the deputy, in the following form, that is to say: Provide: Voters may be sworn.

"You swear that you will true answers give to all such questions as I shall put to you in my capacity of councillor Oath.

presiding (or of deputy returning officer, as the case may be,) touching your qualification to vote at this election. So help you God."

The councillor presiding (or the deputy acting at such election) shall himself put the questions which he shall deem necessary, or which the electors present shall desire to have put to the voter.

Person refus-  
ing oath can-  
not vote.

**33.** If an elector refuses to take the oath or to answer to the questions put to him as aforesaid, his vote shall be refused.

Mention of oath  
&c., to be en-  
tered.

**34.** If an elector takes the oath, or refuses to be sworn, or if objection is made to his vote, mention of each of these facts shall be made in the poll book, in the following terms, "sworn," "refused," "objected."

Attestation of  
poll books.

**35.** At each election held under this act, the poll book containing the names of the voters and other matters, shall be attested on oath by the deputies who shall have presided at such election before the councillor presiding at such election, or any justice of the peace residing in the said city, which said councillor, or justice of the peace is hereby authorized to administer such oath, and the said oath shall be in the following form, and shall be written wholly or in part on the last page of the said poll book containing the names of the electors :

Oath.

"I, A. B., swear that the poll book kept by me at the municipal election for the ward No. \_\_\_\_\_ of the city of St. Hyacinthe [or at the election of the Mayor of St. Hyacinthe, as the case may be] is just and correct to the best of my knowledge and belief.—So help me God."

Deposit of poll  
books and  
notice to per-  
sons elected.

**36.** The poll books thus sworn to shall be deposited in the office of the secretary-treasurer of the said city, by each of the said deputies within the two days following such election, and within the two days following such deposit, the councillor presiding at the election, shall give in writing, notice of their election, to the persons so elected.

Proceedings  
in case of con-  
tested elections

**37.** Every contestation of an election, either with reference to the qualification of the members, or with reference to that of voters, or for any other cause whatever, shall be determined by the members whose elections shall not be contested, and the trial of each such contestation shall be commenced, within the fifteen days next following the election, at a regular meeting at which not less than four councillors, or the mayor and three councillors shall be present; and each such contestation shall be notified in writing to the councillor presiding at the election by at least three electors of the city, if it is the election of mayor that is contested, or of the ward in which the contested election shall have taken place, if it is that of a councillor, within the two days following such election, and when any election shall be declared void for any one of the causes

aforesaid, or by reason of riotous or disorderly proceedings at the said election, a new election shall be held within the twenty days next after that on which such contestation shall have been decided; and this election shall be conducted and presided over as is provided by this act for the annual elections.

**38.** Every witness who, in the case of a contested municipal election, after having been duly summoned by the mayor or any one of the councillors to attend at the trial of such contestation, or at the trial of any complaint whatever, which shall have been regularly brought before the said council for any causes whatever, shall wilfully neglect or refuse so to attend, or shall refuse to answer the questions which may be then and there put to him, shall, on conviction thereof, before one or more of the justices of the peace residing in the said city, be liable to a fine not exceeding twenty dollars, nor less than four dollars currency, and in default of payment thereof, to imprisonment for a term not exceeding eight days.

Penalty  
against wit-  
nesses refusing  
evidence.

**39.** The mayor and each member of the said city council, are hereby authorized to summon and to examine upon oath, any witness summoned to appear before the said council, and to administer the oath to such witness.

Power to sum-  
mon and hear  
witnesses.

**40.** Any person who shall have been elected mayor or councillor of the said city shall, before sitting as such, take the oath of office hereinafter mentioned, before the councillor who shall have presided at the election, or before any of the justices of the peace residing in the said city, who are hereby authorized to administer the same, that is to say :

Mayor and  
councillors to  
be sworn.

"I, A. B., do solemnly swear that I will faithfully discharge the duties of mayor, (or of councillor, as the case may be) of the city of St. Hyacinthe, to the best of my judgment and ability.—So help me God."

Oath.

**41.** The persons who shall be chosen at the annual municipal elections to be mayor or councillors of the said city, shall in all cases be elected for two years, and at each such annual election, one of the councillors for each ward shall go out of office; and it shall always be that one whose election shall have taken place two years before.

Elections to be  
for two years.

When three councillors represent any of the wards, each of them shall remain in office for two years.

No person shall be councillor for more than one ward at a time.

**42.** In the event of a vacancy occurring in the office of mayor, either by the death of the person elected to such office, his refusal to accept the same, his absence, or otherwise, such vacancy shall be filled by the election in the manner prescribed by this act, of a person fit and proper, who shall remain in office the remainder of the time for

Vacancies in  
the office of  
mayor how  
filled.

which his predecessor had been elected, and furthermore until the swearing in of his successor, and if a person is elected at the same time mayor of the said city and councillor, or being already elected councillor for one of the said wards of such city is elected mayor, he shall have, within the four days, unless he be by law exempted of the same, to occupy the office of mayor, and in default of accepting the said office of mayor, he shall incur and pay a penalty of forty dollars currency.

Vacancies  
among coun-  
cillors how  
filled.

**43.** As often as any vacancy shall occur in the office of councillor, by reason of nomination to the office of mayor, of sickness, civil disability, death or removal from the city, or for any other cause, it shall be lawful for the city council, and they are hereby enjoined to summon, by public notice, the electors of the ward in which such vacancy shall have occurred, to fill such vacancy by the election of another councillor; and in this case the mayor, or in his absence the pro-mayor, or one of the councillors, appointed by the council, shall preside at the election, and the secretary-treasurer or any other person appointed by the council shall act as deputy, and the councillor thus elected to fill the vacant seat shall be sworn before the mayor or before the councillor who shall have presided at the election, and he shall remain in office during the whole period during which the member whom he shall replace would himself have remained in office, in the ordinary course of affairs.

Failure of elec-  
tion not to dis-  
solve council.

**44.** In case it should happen that any annual municipal election should not have taken place, for any cause whatsoever, on the day on which in pursuance of this act it ought to have been held, the said city council shall not, on that account be dissolved; and it shall be lawful for those of the members of the said council, who shall not have gone out of office, to hold a meeting presided over by the mayor, or by the councillor who shall have been appointed to preside at the election, if there be no mayor, for the purpose of fixing as early a day as possible for holding such election; and in this case, the notices and proclamations required by this act shall be posted up and published during eight days only, instead of fifteen.

Proceedings in  
such case.

Councillors  
may order  
arrest of dis-  
orderly persons

**45.** It shall be lawful for each of the members of the city council, individually, to order the immediate arrest of any drunken person, or of any person acting in a disorderly or turbulent manner, whom he shall find disturbing the peace within the limits of the said city, and to cause such person to be confined in the watch-house, or other place of detention, in order that such person may be safely kept until he can be brought before the mayor, or a justice of the peace, to be dealt with according to law.

Council to meet

**46.** After each annual municipal election, the members

of the said council shall, within eight days next after the election, hold a meeting, presided over by the mayor, or in his absence by the councillor who shall have presided over such election. within 8 days after annual election.

47. The said city council shall meet at least once each month, for the transaction of the affairs of the said city, and shall hold its sittings in such place as it shall please the said council to choose; a bare majority of the members of the said council shall form a quorum for the dispatch of business, and all contested questions shall be decided by the majority of the members present. Council to meet monthly. Quorum.

48. One or several members of the said council who may not be sufficient in number to form a quorum, may adjourn any meeting of the council, which did not take place for want of a quorum. Adjournment for want of quorum.

49. The council shall after each annual municipal election appoint a pro-mayor, who shall take the place of the mayor in case of his absence and shall be invested with all his powers for the whole time fixed by the council for the duration of his term of office. Pro-mayor.

50. In the event of the absence of both the mayor and of the pro-mayor the council may choose one of its members to preside each sitting. Who shall preside in absence of mayor, &c.

51. The mayor of the said city, if he is present, and in his absence the pro-mayor, shall preside at the meetings, and shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on any question which shall be brought before the said council; but when the said councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the mayor, and in his absence the pro-mayor, and in the absence of both the councillor presiding, shall decide the question by his vote giving his reasons for it if he thinks proper. Mayor, &c., to preside, but to have only casting vote.

52. Neither the mayor nor the councillors shall receive any salary or emoluments from the funds of the city during the time they shall remain in office. Mayor and councillors to receive no remuneration.

53. The mayor, or in his absence the pro-mayor, of the said city, may, as often as he shall think it necessary or useful, call special meetings of the council, and whenever two members shall wish to have a special meeting they may apply to the mayor, or in his absence the pro-mayor, to call it, and if these two last mentioned are absent, or if they refuse to act, the said two members may call it themselves, stating at the same time to the secretary-treasurer of the said city, in writing, the object for which they call such special meeting, and the day on which they are desirous it should be held, and the said secretary-treasurer shall be bound on receipt of such written notice, to communicate it to the other members of the council, Special meetings how called



who shall be bound to be present at such meeting under the pains and penalties which may be prescribed by by-laws passed to that effect by the said council.

Meetings to be public, except, &c.

Power to maintain order and punish contempts.

**54.** All the meetings of the city council shall be public, except only when the council shall have to try the members of its own body for any cause whatever, and the said council shall have the power to cause order to be kept during its sitting by those persons who may be present, and to punish summarily, by fine or imprisonment or both, any contemptuous act committed by such persons, and such fine shall not exceed the sum of twenty dollars nor be less than one dollar currency, and such imprisonment shall not exceed a period of thirty days.

Power to expel councillors misbehaving.

**55.** The mayor or councillor presiding at any sitting of the council, shall have the right to enforce his authority for the maintenance of order and decorum in expulsing by force from the room of the council until the adjournment of the sitting, any member of the council who shall persist in his misconduct, after having been declared out of order by the mayor or officer presiding as aforesaid; provided that on motion to that effect, it be resolved, by at least the three-fourths of the members present, that the mayor or councillor presiding shall exert his authority in the matter, and all such motions shall be considered in order and shall be proposed and decided without debate.

Standing committees may be named.

**56.** It shall be lawful for the said council to appoint from among its members standing committees for the following objects: finances, markets, roads, fire, police and public health.

Special committee may be named.

**57.** The council may appoint committees, composed of as many of its members as it shall judge proper to whom it shall delegate its powers, for the examination of a question, the management of a special matter or of a particular kind of business, and the execution of special duties.

Committees to report by a majority.

**58.** The committee shall report their operations, and their decisions in reports signed by the majority of the members composing said committee, or the chairman, and no report of order of a committee shall take force and effect until its adoption by the council.

Power to appoint assessors.

**59.** The city council shall have power to appoint, at the commencement of each period of three years, three assessors; and it shall be the duty of the said assessors to value the real property and stock in trade of the said city according to the real value, and within the period which shall be fixed by the said city council.

Triennial valuation of property. Qualification of assessors.

**60.** The valuation of real property shall be made once in every three years.

**61.** The assessors shall be owners of real property to the value of at least one thousand dollars.

Assessors to be

**62.** Every person so appointed assessor shall be bound,

before proceeding to value any property in the said city, to <sup>sworn.</sup> take the following oath before any justice of the peace residing in the said city, that is to say :

"I, \_\_\_\_\_, having been appointed one of the as- <sup>Oath.</sup> sessors for the city of St. Hyacinthe, do solemnly swear, that I will honestly and diligently discharge the duties of that office to the best of my judgment and ability.—So help me God."

**63.** The assessors shall, in the course of the month next after notice shall have been given to them of their appointment, make a valuation of all the real property and stock in trade in the said city, and transmit to the secretary-treasurer of the said city the valuation roll thereof ; and at the next meeting of the said council, the said valuation roll shall be produced and examined by the councillors if they desire it ; and from the date of that meeting the valuation roll shall be deposited in the office of the secretary-treasurer, during the period of one month, reckoning from that meeting ; and during that time it shall remain open for public inspection to all persons whose properties shall have been valued, or their representatives ; and during that interval those persons who feel aggrieved may address themselves, in writing, to the city council, complaining of any over valuation ; and such appeal shall be decided by the said council at the first meeting which shall be held after the expiration of the month hereinbefore mentioned ; and the said council may hear the parties and their witnesses on oath, which oath shall be administered by the mayor, or by the presiding councillor, and may sustain or alter the valuation of which the alteration is demanded, as may seem to it to be right ; and at the same meeting the said valuation roll shall be declared closed for three years, unless however the council have been obliged to adjourn in consequence of the number of complaints ; in which case the said roll shall not be declared closed until after all the complaints shall have been heard and decided.

**64.** If after the valuation roll shall have been declared closed as aforesaid, any property in the said city shall be considerably diminished in value, either by fire, the pulling down of buildings, accident, or any other cause, the said council may, on petition from the owner, cause the valuation of such property to be reduced by the assessors to its actual value ; and if any omission has been made in the said assessment roll, or if any new building, tending to increase the value of real property in the said city, shall have been erected subsequent to the closing of the said valuation roll, the said council may order the assessors to value any property so omitted or increased in value as aforesaid for the purpose of adding it to said roll.

**65.** The said assessors shall be bound to value annually, <sup>Certain valua-</sup>

tion to be made annually by order of the said council, the stocks in trade held in the said city, and, by order of the said council, the rolls of tenants, movable property, of persons and animals liable to taxation shall be made up annually by the person chosen by the said council. The valuation rolls of stock in trade and the rolls of tenants, movable property, persons and animals liable to taxation shall be deposited, examined and revised in the manner set forth in section sixty-three of this act.

Auditors to be appointed and sworn. **66.** At the first meeting, after each annual municipal election, the city council shall appoint two persons to be auditors of the accounts of the said council; and such auditors shall take the following oath before a justice of the peace residing in the said city, that is to say:

Oath. "I, , having been appointed to the office of auditor for the city of St. Hyacinthe, do swear that I will faithfully discharge the duties thereof to the best of my judgment and ability; and I declare that I have not, either directly or indirectly, any share or interest whatever in any contract or employment with or under the city council of St. Hyacinthe.—So help me God."

Qualification of auditors. **67.** The auditors who shall be appointed for the said city, shall be owners of real estate therein, of the value of at least five hundred dollars; and neither the mayor nor the councillors, nor the secretary-treasurer of the said city, nor any person receiving a salary from the said council, either on account of an office held under its authority, or on account of any contract whatever made with it, shall be capable of holding the office of auditor of the said city.

Duties of auditors. **68.** It shall be the duty of the auditors to examine in January and whenever requested to do so by the council, all accounts which may appear in the books of the said council or concern it, to report their proceedings to the said council, who within fifteen days after the reception of such report, shall cause to be published a detailed statement of the receipts and expenditure and resources of the said council in a newspaper published in the said city or posted during eight days in the office of the secretary-treasurer for public inspection.

Council may fill vacancies of assessors or auditors. **69.** In the event of any vacancy occurring in the office of assessors or in that of auditors for want of assessors or auditors being appointed at the period fixed by law, or by reason of the absence or death, or by the failure, disqualification or inability of the person or persons appointed to those offices, the said council may appoint one person or persons duly qualified to fill and supply such vacancy.

Fine for refusing office. **70.** Every person who shall be regularly elected or appointed to any of the offices of mayor, councillor, assessor or auditor of the said city, shall accept such office under the fines hereinafter mentioned, unless such person shall

have ceased to hold office within the last four months of the year preceding such election or appointment to office; in which case he shall be exempt from serving for the same period as he would have served if he had accepted such office.

The fine for a person elected mayor, who shall refuse to accept and to act, shall be forty dollars.

The fine for a person elected councillor, who shall refuse to accept and to act, shall be twenty dollars.

The fine for a person appointed auditor, who shall refuse to accept and to act, shall be ten dollars.

The fine for a person appointed assessor, who shall refuse to accept and to act, shall be fifteen dollars.

No person whose age at the time when he may be elected or appointed to any of the said offices, shall exceed sixty years, shall be bound to accept the same, or liable to pay a fine for refusing to act therein.

**71.** The city council may, from time to time, as occasion shall require, appoint a fit or proper person, who shall not be a member of the council, to be and to be called "the secretary-treasurer of the city of St. Hyacinthe;" another person to be the chief of police of the said city; one or several persons to be clerk or clerks of the markets of the said city; one or several persons to be inspector or inspectors of roads, streets and bridges; and such number of overseers of roads, streets and bridges as it will think necessary; one or several persons to prepare the roll of tenants, movable property, persons and animals liable to taxation; a keeper or several keepers of public pounds for the said city; one inspector of the said city, and such constables or officers it will deem necessary to execute the powers given to the council by this act; and prescribe and regulate the duties of each of these officers; and dismiss at will each of the said officers and replace them; demand of any person employed by the council for any purpose whatever, such security it will deem sufficient to insure the due execution of his duties; and allow and give to the officers named as aforesaid, such salaries, allowance or other compensation for their services, at it will deem convenient.

**72.** The secretary-treasurer as soon as appointed, shall name under his signature, with the approval of the council, an assistant secretary-treasurer, who shall exercise, in case of absence or sickness of the secretary-treasurer, all the duties of the secretary-treasurer, with the rights, powers and privileges of the secretary-treasurer himself, and under the same obligations and penalties. The secretary-treasurer and his bail shall be answerable for all the acts and omissions of the said assistant secretary-treasurer.

**73.** The secretary-treasurer may dismiss such assistant and replace him by another with the authorization of the council.

- Sec.-Treasurer to be sworn.** **74.** The secretary-treasurer shall swear to fulfil faithfully the duties of his office, and all his returns and certificates may be made under that oath of office.
- Secretary-treasurer to be keeper of all moneys.** **75.** The secretary-treasurer shall be the sole collector and keeper of all sums payable and belonging to the said city council.
- No payment to be made without written order of mayor or two members of finance committee.** **76.** The secretary-treasurer shall not make any payment from the funds of the said city, otherwise than upon the order of the said council, or upon an order in writing, signed by the mayor or two members of the finance committee, and the possession by the secretary-treasurer of such order shall be *prima facie* evidence of the amount therein mentioned having been paid.
- Duties of Sec.-treasurer.** **77.** The secretary-treasurer shall assist at all the sittings of the council and shall inscribe all the acts and deliberations of the said council in a book kept for that purpose, which shall be called "the minute book of the city council of St. Hyacinthe," and he shall allow inspection of the same during convenient hours, by any person interested.
- Secretary-treasurer to have custody of all documents, &c.** **78.** The secretary-treasurer shall have the custody of all the books, registers, valuation and assessment rolls, reports, *procès-verbaux*, deeds of apportionment, plans, charts, records, documents and papers belonging to the said council.
- Copies certified by sec.-treasurer to be authentic.** **79.** Every copy or extract of said books, registers, valuation or assessment rolls, reports, *procès-verbaux*, deeds of apportionment, plans, charts, records, documents and papers certified by such secretary-treasurer shall be deemed authentic.
- Secretary-treasurer to keep books and vouchers.** **80.** The secretary-treasurer shall keep in due form, books of accounts, in which he shall enter by order of dates, every item of receipts and expenditure, mentioning also the names of the persons who shall have paid the moneys in his hands, or who shall have received some from him and he shall keep in his office all the vouchers of the expenditure.
- Books and vouchers to be open to inspection.** **81.** The secretary-treasurer's books of accounts and his vouchers shall be open for inspection, at all reasonable hours, to the council, and to each of the members thereof, to the municipal officers by them appointed, and also to all persons liable to assessment in the city.
- Secretary-treasurer to prepare a yearly statement.** **82.** The secretary-treasurer shall prepare a statement of the accounts, with the vouchers and papers relating to the same, for the year ending on the thirty-first day of December in each year in order to submit them to examination by the auditors between the first and the twentieth days of January of the following year.
- Proceedings if secretary-treasurer fails to render account** **83.** The secretary-treasurer or any person who shall have filled that office, may be sued in the name of the mayor and city council of St. Hyacinthe, to compel him to render an account by any person duly authorized to do so,

before any court of competent jurisdiction; to compel him to render an account, and in any such action he may be condemned to pay damages for having failed to render such account, and if he renders an account, he shall be condemned to pay such balance as he acknowledges to have in his hands, or of which he shall be declared debtor, together with such other sums as he ought to be held accountable for, and every judgment pronounced in any such suit shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit.

84. Every such judgment shall carry with it *contrainte par corps* against the secretary-treasurer, according to the laws in force in such cases, if such *contrainte par corps* be demanded in the action to compel the rendering of the account. Secretary-treasurer liable to coercive imprisonment.

85. The secretary-treasurer shall deliver to any person applying for the same, upon payment of such fees as shall be fixed by the council, a copy of any document in his possession or custody, or of record in his office; and every such copy, certified by him as correct, shall be *prima facie* evidence of the contents thereof, and he shall allow all such documents to be inspected at reasonable hours by any person interested. Secretary-treasurer shall deliver copies on being paid.

86. The secretary-treasurer of the said city and all the other officers and servants of the said council, shall respectively, during their continuance in office, or in the course of a month after their going out of office, and in such way as the council shall direct, render to the said council, or to any person authorized by it, an exact account in writing of all matters entrusted to their charge or keeping, in virtue of this act, and also of all moneys which shall have been received by them respectively, for the purposes of this act, and of the amount of all moneys which shall have been paid or disbursed by them for the benefit and under the control of the said council, and for what objects. All officers retiring from office shall render an account.

87. From and after the passing of this act, the said city council alone shall have the right of granting and delivering certificates for tavern licenses, and for licenses to keep houses of public entertainment and retail spirituous liquors, within the limits of the said city, and such certificates shall be signed by the mayor or the secretary-treasurer of the said city, and sealed with the seal of the corporation. Power to grant certificates for tavern licenses

88. The council shall have power to license temperance houses for an annual license of three pounds at the most. Power to license temperance houses.

89. It shall be lawful for the city council to borrow, on the credit of the said city, such sum or sums of money as the said city council shall think proper to borrow for the purpose of effecting improvements in the said city, or of erecting public buildings, or of draining the streets, or of Power to borrow money for certain purposes.

causing the said city to be supplied with water and gas, or for any other purposes which the said council may deem useful or necessary ; but the whole amount so borrowed and remaining due, shall not at any time exceed fifteen per cent on the whole valuation of the assessed real property in the said city ; and all public moneys now due and payable, or which may hereafter become due and payable to the city council, shall be pledged for the payment of the current expenses of the said city, and the sums so borrowed by the said city council, and generally to the payment of all debts which have been or may be lawfully contracted ; and the said council may, if it borrows sums of money on the credit of the consolidated municipal loan fund for Lower Canada, apply the said sums to the different objects mentioned in this clause, and it shall be sufficient for the said council, in order to obtain the said sums from the consolidated municipal loan fund, to observe the formalities prescribed by this act.

Power to raise money by debentures.

**90.** It shall be lawful, for the city council to contract loans by issuing debentures or *bons* signed by the mayor and countersigned by the secretary-treasurer of the said city, and sealed with the seal of the corporation, such loans or *bons* being made payable to the bearer at such periods as the said council shall think proper to fix ; and such *bons* or debentures shall bear interest payable semi-annually on the first days of May and November in each year, and at a rate not exceeding six per cent, per annum, and coupons for the amount of the semi-annual interest thereon may be attached to all such debentures, which coupons being signed by the mayor, and countersigned by the secretary-treasurer, shall be payable respectively to the bearer thereof, then and as soon as the semi-annual interest therein mentioned shall accrue, and upon payment thereof shall be delivered to the said secretary-treasurer ; and the possession of any such coupon shall be *prima facie* evidence that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture or *bon*, and all such debentures or *bons* and the interest, together with the principal thereof, shall be secured upon the general funds of the said city.

No loan to be effected without approval of majority of electors.

**91.** The city council shall not, in any case, contract any loan without having obtained the approbation of the majority in number and in value of assessed real property of the electors of the said city ; such approbation to be expressed at the public meeting presided over by the mayor, the secretary-treasurer acting as secretary and duly called by notices published and posted up during fifteen days before such meeting ; and six qualified municipal electors present at the said meeting may demand a poll to establish such majority ; and a poll shall be granted by the mayor, on

being so demanded, and shall be held within four days next after such meeting, the secretary-treasurer of the city acting as poll clerk under the direction of the mayor; each elector shall then present himself in turn and shall give his vote by *yea* or *nay*, the word *yea* signifying that he approves of the proposed loan, and the word *nay* signifying that he disapproves of the proposed loan; but no person's vote shall be received unless it appears by the valuation roll that he is duly qualified to vote as municipal elector, and unless he has paid all his municipal taxes at least three days previous to the time of such voting; and such poll shall be held on two consecutive days, not being sundays or holidays, from ten o'clock in the morning until five o'clock in the afternoon, and at the close of the poll the mayor shall count the yeas and the nays, and within four days thereafter he shall lay before the city council a statement showing the value of the real property of each of the voters according to the valuation roll then in force, and shall certify, for the information of the city council, whether the majority in number and in value of assessed real property of the electors of the city approve or disapprove of the said loan; and this certificate shall be countersigned by the secretary-treasurer of the city, and preserved by him with the poll-list, and the aforesaid statement among the archives of his office, and if the said loan is approved of as aforesaid, the said city council may contract it.

Proceedings for submitting the matter to such approval, and establishing the decision of the electors.

**92.** Every contract or document in which the said city council shall be a contracting party, shall be executed and signed by the mayor, countersigned by the secretary-treasurer, and sealed with the seal of the corporation, and whenever it shall be necessary to serve any protest or any rule of court or summons, or other thing whatever in any action or prosecution, upon the said mayor and city council, such service shall be made at the office of the secretary-treasurer.

How contracts shall be executed.

**93.** In order to raise the necessary funds to meet the expenses of the city council, and to effect the several necessary public improvements in the said city, the said city council shall have power to levy annually upon persons and upon movable and immovable property in the said city, the taxes hereinafter set forth, that is to say:

Power to levy moneys by means of following taxes.

1. On every piece of land, town lot, or part of town lot, whether there be or be not buildings, a rate not exceeding one penny in the pound on their full actual value, as entered in the valuation roll of the said city; but no land under cultivation or leased as a farm within the limits of the said city shall be taxed by virtue of this act except the lot on which the buildings shall be erected, which shall be assessed together with such buildings; and the said city council shall have power to cause to be added

Certain real property.



to the valuation roll at any time any part of such land under cultivation which shall have been detached from it as a town lot, and shall thus have become liable to assessment after the closing of the valuation roll, and to exact the tax as on the other pieces of land entered in the said roll;

Certain movable property.

2. On every proprietor or possessor of the following movable property a similar sum of one penny in the pound, according to the value hereinafter specified:

Every stallion shall be rated at one hundred pounds;

Every horse kept for hire, at fifteen pounds;

Every horse above the age of three years, and kept for ordinary domestic purposes, ten pounds;

Every head of horned cattle, of the age of two years and upwards, at two pounds;

Every covered carriage with four wheels and two seats, at fifty pounds;

Every open carriage with four wheels and two seats, at twenty pounds;

Every gig or light wagon with one seat, at ten pounds;

Every two-horse sleigh, at twenty pounds;

Every one-horse sleigh, at ten pounds;

Every winter or summer vehicle used solely for drawing loads, and all vehicles, commonly called draught or work vehicles, as well as all farm stock and all implements used for agricultural purposes, shall be exempt from any tax whatever;

Stocks in trade.

3. On every stock in trade, or on all goods kept by merchants or traders, and exposed for sale on shelves in shops, or kept in storehouses, a tax of a quarter of one per cent on the estimated average value of such stock or goods in trade;

Tenants.

4. On each tenant paying rent in the said city, an annual sum equivalent to six pence for every twenty shillings on the amount of his rent;

Certain other persons.

5. On each male inhabitant of the age of twenty-one years who shall have resided in the said city for six months, and not being a proprietor, nor tenant, nor an apprentice, nor a domestic servant, an annual sum of five shillings;

Dogs.

6. On every person, having or keeping a dog or dogs in the said city, an annual sum of five shillings for each dog;

Bitches.

7. On every person having or keeping a bitch or bitches in the said city, ten shillings yearly for each bitch;

Certain businesses.

8. It shall be lawful for the said city council to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses and eating houses, on every retailer of spirituous liquors; on every pedlar and itinerant trader selling in the said city articles of commerce of any kind whatsoever; on every proprietor, possessor, agent, mana-

ger, and keeper of theatre, circuse, billiard-room, nine-pin alley, or other place for games or amusements of any kind whatsoever; on every auctioneer, grocer, baker, butcher, hawker, huckster, carter, livery-stable keeper, brewer and distiller; on every trader, merchant and manufacturer, or their agents, on every proprietor or keeper of wood-yards or coal yards, and of slaughterhouses in the said city; on every money-changer or exchange-broker, pawnbroker, or their agents, and on every banker, bank, and every agent of bankers and banks; on every insurance company or their agents; and generally on every commerce, manufacture, calling, art, trade, profession which may be exercised in or introduced into the said city.

**94.** The workmen of all mechanical arts and trades exercised in the said city shall be divided into two classes; the first shall comprise all the shop masters, contractors and undertakers, and the second all other workmen. Those of the first class, shall be taxed annually at five shillings, and those of the second at one shilling and three pence.

Two classes of mechanics as regards taxation.

**95.** Any person keeping an office in the said city and practising as an advocate, or doctor, or land surveyor, or notary, or dentist, or surgeon, or an oculist, or any other liberal profession, shall be taxed at the sum of fifteen shillings annually.

Tax on professions.

**96.** The following properties shall be exempt from taxation in the city of Saint Hyacinthe:

Exemptions from taxation.

Every land and property belonging to Her Majesty, her heirs or successors, held by any public body or department, or by any person for the use of Her Majesty, her heirs or successors;

Proviso.

Every provincial property and buildings;

Every place set apart for public worship, parsonage house and every cemetery;

The bishop's palace and land on which it is built;

Every public school-house and the lot on which it is built;

Every educational establishment and the lot on which it is built;

Every building, land and property occupied for hospitals or other charitable establishments;

Every court house or district gaol with the grounds attached thereto;

But this exemption shall not extend to the lots or to the buildings erected on lots leased or occupied by tenants under the government or the war department in the said city; and such lands belonging to the government or to the war department as shall be occupied by tenants, shall be valued and assessed in the same manner as other immovable property in the said city, and the taxes thereon

shall be paid by the said tenants or occupants, and the said lands shall not be liable for these taxes.

Power to commute assessments on certain properties or to exempt them from taxation.

**97.** The council may, at any time, by agreement with any person carrying on, or proposing to undertake any manufacturing business or operations, commute all assessments on all property held by such person for any such purpose, as well as on the business itself for a fixed sum payable annually during a period of not more than ten years, and may also, in view of the encouragement of such business or operations, wholly exempt all such properties and business from assessment during a period not exceeding ten years.

Power to remit taxes to poor persons in certain cases.

**98.** The council shall have power to remit to poor persons, in the said city, who shall have been taxed by virtue of this act, all or part of their assessments in certain cases of loss by fire, long illness, or any other cause which the said council shall deem reasonable and sufficient.

Collection roll to be prepared annually.

**99.** The secretary-treasurer shall every year, when requested to do so by the council, make out the general collection roll and set down there in the name of each person assessed the value of the real property of each person as specified in the valuation roll, and the amount of personal property for which such person is assessable, and he shall also calculate and set down the various taxes and assessments payable by such person either under any by-law or otherwise, and the total amount with which each person is chargeable.

Special collection roll whenever special rate is imposed.

**100.** Whenever any special rate is imposed either before or after the confection of the general collection roll, the secretary-treasurer shall make out a special collection roll in the manner above prescribed.

Secretary-treasurer before collecting taxes to give 20 days public notice.

**101.** The secretary-treasurer, after completing his collection roll shall proceed to collect the taxes or assessments therein mentioned, and for that purpose shall give or cause to be given public notice during fifteen days that the collection roll is completed and deposited in his office, and that all persons therein mentioned liable to the payment of taxes and assessments, are required to pay the amount thereof at his office, within the twenty days following the publication of such notice.

After said 20 days taxes to be demanded by special notice.

**102.** If at the expiration of twenty days any arrears of taxes or assessments remain unpaid, the secretary-treasurer shall leave or cause to be left at the usual place of residence or domicile, of each such person in arrear, or with him personally a detailed statement of the various sums and the total amount of taxes or assessments due by such person, and shall at the same time, and by a notice annexed to such statement, demand payment of the taxes or assessments therein mentioned, together with the cost of the service of such notice, according to the tariff established by the council.

**103.** The provisions of the preceding clause shall not apply to persons residing without the limits of the municipality; the said persons shall be bound to pay their taxes or assessments within the twenty days following the public notice above mentioned without it being necessary that any demand should be made upon them either personally or at their domicile.

No special notice to persons residing outside the city

**104.** If any person, residing in the city, neglects to pay the amount of taxes or assessments imposed upon him for the space of fifteen days after such demand made as aforesaid, the secretary-treasurer shall levy their taxes or assessments with costs, by warrant under the hand of the mayor of the said city, authorizing the seizure and sale of the goods and chattels of the person bound to pay them, or of any goods or chattels in his possession, wherever the same can be found within the said city; and the mayor shall incur personally no liability by signing any such warrant, but the corporation of the said city alone shall be responsible; and no claim of property or privilege thereon or thereto, shall be available to prevent the sale, nor the payment of the taxes or assessments and costs out of the proceeds thereof.

After 15 days default after demand warrant of distress may be issued.

**105.** If the goods and cattels seized are sold for more than the amount of taxes or assessments levied for, and the costs attending the seizure and sale, the surplus shall be returned to the person in possession of such goods and chattels when the seizure was made, but if any claim for such surplus is previously made by any other person, alleging a right of property or privilege upon such surplus, and if the person on whom the seizure was made admits such claims, such surplus shall be paid to such claimant; and if such claim be contested the surplus money shall be retained by the secretary-treasurer until the respective rights of the parties be determined by a competent tribunal.

Surplus after sale to be paid to person proceeded against or to claimant in certain cases.

**106.** The person intrusted with the execution of the warrant of seizure shall give, at least eight days before the sale, public notice by posting it and reading it loudly and intelligibly at the door of the parish church at the issue of divine service in the forenoon, on the Sunday following the seizure, of the place, day and hour at which the goods and chattels by him seized shall be sold.

Public notice to be given before sale.

**107.** On or before the fifteenth day of November in each year, the secretary-treasurer of the school municipality of the city of St. Hyacinthe, shall, if he is ordered to do so by the school commissioners, prepare a statement of all the assessments remaining due on all the collection rolls for the taxes of the current year and arrears due to the school municipality by the inhabitants owners of land or lots of land within the city, or incurred under any act concerning the common schools, and a designation of the lots or parcels

Secretary-treasurer of school com. may transmit statement of arrears due by inhabitants of the city, &c.

of land in respect of which their taxes or assessments or other debts shall be due, and he shall transmit to the secretary-treasurer of the city of St. Hyacinthe a duly certified copy of such statement.

Secretary-treasurer may prepare and publish a list of lands on which assessments are due, and give notice that they will be sold.

**108.** And on or before the first day of December in each year, the secretary-treasurer of the said city shall prepare, if he is ordered to do so by the council, a list of all the lands, town lots or parcels of lots or other immovables in the said city and liable to taxation, upon which any assessments or other dues remain unpaid, stating opposite the lots or parcels of land respectively the amount due, and shall cause to be inserted at least three times during the said month of December, in English and in French in the *Quebec Official Gazette*, and in French in a newspaper published in the district of St. Hyacinthe or in an adjoining district, if there be none published therein, a notice containing a list of all the said immovables respectively, on which such assessments or dues shall remain unpaid, showing opposite or after their numbers or designations the amount to be raised for the discharge of these taxes or assessments or other dues, including all costs and expenses and announcing that the immovables will be sold on the first Monday of the month of February then next following, or on the following day if that first Monday be not a juridical day, at the place where the sittings of the council are then held, for the payment of the taxes or assessments or other dues, and he shall moreover give public notice of such sale for fifteen days, specifying the place, day and hour at which such sale will commence.

Said list shall include all lands owing school taxes according to statement transmitted under s. 108.

**109.** The secretary-treasurer of the city of St. Hyacinthe shall include in the list above mentioned all the lots of land on which the school commissioners for the municipality of the city of St. Hyacinthe, shall claim school taxes or assessments or arrears according to the list which shall have been transmitted to him as above mentioned by the secretary-treasurer of the said school commissioners.

School dues may be joined with city taxes when they are claimed at same time.

**110.** Whenever dues shall be claimed at the same time by the said school municipality and the city council, it will be sufficient to add the claim of the said school commissioners to that of the council in the said list and in the said notice.

Sales of chattels for taxes to be by auction.

**111.** All goods and chattels, to be sold under the authority of this act for the payment of taxes or assessments or other dues, shall be offered to public competition; but such goods or chattels so publicly sold, shall be exempt from auction duty, and need not be sold by a licensed auctioneer.

Sale to highest bidder.

**112.** At the time appointed for the sale, the secretary-treasurer of the city of St. Hyacinthe, or some other person acting for him, sells to the highest bidder, those lands described in the list upon which taxes are still

due, after making known the amount to be raised on each of such lands, including therein a part of the costs incurred for the sale, proportionate to the amount of the debt.

**113.** Any person offering then and there to pay the amount of the moneys to be raised together with the costs, for the smallest portion of such lands, becomes the purchaser thereof, and such portion of the land must be at once adjudged to him by the secretary-treasurer who sells such portion of the property as appears to him best for the interest of the debtor.

Offer to pay taxes and costs for smallest portion of land to be accepted.

**114.** The purchaser of any land or portion of land must pay the amount of his purchase money immediately upon the adjudication thereof. In default of immediate payment the secretary-treasurer either at once puts up the land for sale or adjourns the sale to the following or any other day, not more than eight days distant, by giving all persons present notice of such adjournment in an audible and intelligible voice.

Sales to be for immediate payment. In default thereof lands to be resold.

**115.** If at the time of the sale no bid is made or if all the lands put up cannot be sold on the first Monday in February the sale must be adjourned to the following or any other day within eight days, in the manner set forth in the last provision of the preceding article.

Adjournment if sales be not effected.

**116.** On payment by the purchaser of the amount of his purchase money, the secretary-treasurer shall give a certificate under his signature to such purchaser, specifying the particulars of such sale, and the purchaser may forthwith enter upon and take possession of such lot or parcel of land.

Certificate to be given to purchaser.

**117.** No such purchaser of any lot of land or part thereof shall deteriorate it in any way nor carry away the buildings and fences erected on such property or part of it, and it shall be the duty of the former proprietor, before he can recover possession of his lot of land or part of it so sold, in addition to what he is bound to pay, to repay to the said purchaser all the taxes and the value of all public or vicinal work which he has paid or performed during the time the land was in his possession.

Purchaser not to deteriorate land.

How former owner may recover back.

**118.** If within two years from the day of such sale, the original owner of the lot, or any one on his behalf pays to the secretary-treasurer the amount levied, together with twenty per cent in addition to the same, then he shall be entitled to recover possession of the lot or parcel of land so sold, and the secretary-treasurer shall on demand pay to the purchaser thereof, his heirs, assigns or representatives, the amount so received by him, after deducting therefrom two and a half per cent, as his own fees; and thereupon (subject to the condition contained in the next following section) the right acquired by the purchase in the land shall thenceforth wholly cease and will become void.

Right of redemption of original owner.

Any one may redeem in the name of the owner.

**119.** Any person may redeem any such lot or parcel of land so sold, whether thereto authorized or not by the original proprietor, but for and in the name of such proprietor only.

Unauthorized person redeeming to be named in the receipt.

**120.** Whenever any such redemption is effected by a person not specially authorized, the secretary-treasurer shall mention in the receipt given by him for the redemption money, the name and designation of the person paying the same.

Receipt to be in duplicate.

**121.** Every such receipt shall be made in duplicate; one duplicate shall be delivered to the person paying the redemption money and the other shall remain of record in the office of the secretary-treasurer.

Receipt when registered to give a privilege.

**122.** Every such receipt or a copy thereof, certified by the secretary-treasurer, shall be proof of the payment mentioned therein, and when registered in the registry office of the county of St. Hyacinthe, shall secure to the person therein mentioned, his heirs or assigns a privilege and hypothec (*hypothèque*) over and prior to all other claims upon the lot or parcel of land so sold, for the reimbursement of the sum therein mentioned, with interest at the rate of eight per centum per annum, to be reckoned from the date of such receipt; except the *cens et rentes* or *rentes constituées* representing *cens et rentes* as provided by the seigniorial act, 1854, and the acts amending the same.

Two years after adjudication purchaser may obtain a deed of sale.

**123.** If at the expiration of two years from the time of such adjudication, the land so adjudged is not redeemed as aforesaid, then the secretary-treasurer, on demand by the purchaser, his heirs, assigns or representatives, and upon proof of the payment of the arrears of any other assessment which, in the meantime, have become due thereon, shall execute a deed of sale in due form, conveying, in the name of the mayor and city council of St. Hyacinthe, the property so adjudged to such purchaser, his heirs, assigns or legal representatives.

Effect of such deed.

**124.** Such deed of sale shall be a legal conveyance of the said land, and shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also purge and disencumber such land from all privileges and hypothecs due thereon except the right to *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by seigniorial act of 1854, and the other acts amending the same.

Mayor and council not liable for irregularities of school commissioners.

**125.** The mayor and city council of St. Hyacinthe, shall not be responsible for the irregularities which would annul the sales of lots of land within the limits of the said city when these irregularities shall be the act of the said school commissioners, their agents or servants, but the said school commissioners for the municipality of the city of St. Hyacinthe alone shall answer for the same.

**126.** The chapter forty-ninth of the twenty-ninth Victoria is by the present repealed, and the secretary-treasurer of the city of St. Hyacinthe shall alone have the right in future to sell lots of land in the city of St. Hyacinthe for the recovery of municipal or school taxes and assessments as above mentioned.

29 V., c. 49 repealed—secretary-treasurer alone to have right to sell lands for taxes.

**127.** Whenever the secretary-treasurer of the said school commissioners shall transmit to the secretary-treasurer of the city of St. Hyacinthe a list or statement showing the lots on which the said school commissioners claim school taxes or assessments, or arrears, and the names of the proprietors of the said lots and other particulars required with an order from the said school commissioners to advertise these lots for sale, for the collection of the said taxes, or assessments or arrears, the said secretary-treasurer of the city of St. Hyacinthe shall advertise them for sale and shall collect the said school taxes or assessments by the sale of the said lots of land in the manner above mentioned for the collection of municipal taxes, whether he be ordered to do so by the council or not.

Secretary-treasurer to sell lands for school taxes when duly notified, &c.

**128.** Every action to annul a sale made in virtue of this act for taxes or assessments by order of the mayor and city council of St. Hyacinthe or of the school commissioners for the municipality of the city of St. Hyacinthe, shall be taken within the two years following the adjudication of the property sold, and no action to annul a sale made as aforesaid or to recover damages either against the mayor and city council of St. Hyacinthe or the said school commissioners shall be maintained unless it is taken within the two years of the said adjudication.

Action to annul sales or for damages prescribed by two years.

**129.** The denial of such action enacted by the preceding section shall extend to any exception or plea whatever setting forth the nullity of every such sale or claiming damages and interest.

Denial of action shall extend to exception.

**130.** Every tax or assessment imposed by virtue of this act on any property or house of the said city, may be recovered either from the owner or from the tenant or occupant of such property or house; and if such tenant or occupant be not bound by lease or other arrangement to pay such tax or assessment, such tenant or occupant may and shall have a right to deduct the sum so paid by him from the rent which he shall be obliged to pay for the occupation of such property or may recover the amount of such taxes from the proprietor with costs.

Taxes may be recovered either from owner or tenant

**131.** All debts now due to the said city council in virtue of any act hereby repealed, or which may be due in future for any taxes or assessments imposed by virtue of this act, shall be privileged debts, and shall be paid in preference to all other debts, and shall be allowed to the said mayor, and to the council in all cases of distribution of moneys, in pre-

Debt due the council to be privileged without registration.



ference to all other creditors, and this privilege shall be applied only to the taxes of the three last years, and shall have its full and entire effect without its being necessary to have recourse to registration.

Ten per cent  
per annum on  
arrears of  
taxes.

**132.** In all cases of non-payment of taxes imposed on any immovable property in the said city, an augmentation of ten per cent on the amount of the assessments in arrear shall be added each year to such amount, and that as long as such assessments shall not be paid; and it shall not be necessary for the city council to make a by-law to that effect.

Power to make  
by-laws for  
following pur-  
poses:

**133.** The city council shall have full power and authority to make, amend, alter and repeal, and to enforce and put into execution one or several by-laws for the following purposes, to wit:

Order and  
attendance of  
members.

For the maintenance of order and decorum during the session of the council and for compelling the members thereof to attend such sessions;

General police.

For the maintenance of peace and good order,—the improvement, cleansing and draining of streets, public places, and lots, whether vacant or occupied,—for the prevention and suppression of any nuisance whatever,—for the maintenance and preservation of the public health, and generally for all that relates to or concerns the interior economy and the government of the said city;

Gambling, &c.

For restraining and prohibiting every kind of gambling in the said city, and preventing the keeping of gambling houses, or houses for debauchery of any description in the said city;

Games in pub-  
lic houses.

For preventing and restraining all games with cards, games of chance, playing with dice with or without betting, in any licensed or unlicensed hotel, eating-house, tavern or shop in the said city;

Preventing  
riots and  
entering  
houses.

For preventing and prohibiting any riot or tumult, disturbance or disorderly assembly, and punishing the authors thereof; and for giving power or authority to enter into all houses of a doubtful character, shops, taverns, hotels, and other houses or places of public entertainment, licensed or not licensed in the said city, or in any private house;

Arresting per-  
sons gambling,  
&c.

For arresting on the spot and punishing such persons as shall be found playing either at cards, dice or other games of hazard, or engaged in cock-fights or dog-fights in any place whatever within the limits of the said city;

Giving power  
to inspect  
houses, lands,  
&c.

For giving power and authority to visit and examine at seasonable hours, the exterior or the interior of any house, land or building of any kind in the said city, for the purpose of ascertaining whether the by-laws passed by the said council are regularly observed; and for obliging all proprietors or occupants of houses, lands or buildings in the said city to admit any person authorized as aforesaid, for the purpose hereinbefore expressed;

For repressing and punishing vagabonds, beggars, prostitutes and disorderly persons; - Disorderly persons.

For licensing, regulating or prohibiting shows and exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical representations and exhibitions of any kind; Shows and exhibitions.

For prohibiting cock-fights and dog-fights, and all other cruel amusements in the said city; and also, for preventing the driving of vehicles at immoderate speed in the said city, and the infliction of barbarous or inhuman treatment upon horses or other animals; Cock-fights, &c.—cruelty to animals.

For prohibiting and punishing the flying of kites, and any other sport, practice or amusement in the streets or elsewhere, which may have the effect of frightening horses, or of annoying or disturbing persons passing in or along the streets of the said city, or of endangering property; Dangerous amusements in the streets.

For obliging every person to remove the snow, ice or filth from the side-walks and from the roofs of the buildings possessed or occupied by him, and for punishing him for failing to do so; Removal of snow.

For preventing the throwing into any streets or public places of any sweepings, filth, dirt, rubbish or ordures, and for enforcing the removal thereof; Cleanliness of streets, &c.

For preventing and forbidding the obstruction of the streets, squares or sidewalks, by carriages, carts, sleighs, wheelbarrows, boxes, wood, or any nuisance or material whatsoever; Obstructions in streets.

For prohibiting or for licensing or regulating the selling or hawking of fruits, cakes, refreshments, jewellery, and merchandize of all kinds in or along the streets, public places and sidewalks of the said city; Selling in the streets.

For obliging the proprietor or occupant of every grocery, cellar, candle or soap factory, tannery, stable, barn, privy, drain, garden, field, yard, passage or vacant lot, or any place that may be unwholesome or fetid, to cleanse and purify it, or even to remove or to cause to disappear from it, all noxious matter as far as may be necessary for the health, comfort and convenience of the inhabitants in the said city; Cleansing of unhealthy places.

For compelling the proprietors or occupants of houses to clean all stables, out-houses, privies and yards connected therewith, at such term and in such manner as the council may deem expedient; Cleansing of stables, &c.

For compelling all owners or occupants of lots in the said city, on which there shall be stagnant water, to drain or raise such lots, so that the neighbors may not be incommodated, nor the public health compromised; Drainage of stagnant water.

For preventing any person from bringing into or depositing or leaving within the limits of the said city any dead body or carcass, and for causing the same, together with Removal of dead animals.

any matter or thing on the point of becoming unwholesome, to be removed by the proprietor or occupant of any place where they may be found ;

**Burials within the city.** For preventing burial within the limits of the said city, or for fixing the places where they may take place ; for compelling the disinterment of bodies buried in contravention of this provision ; but this clause shall not be construed to extend to prevent the interment of the bodies of priests or nuns or protestant clergymen in the churches of the city ;

**Cemeteries.** For preventing the profanation of burying grounds, tombs, sepulchres, monuments or vaults, where dead bodies are buried ;

**Noxious manufactures.** For prohibiting, or for regulating the erection, use or employment in the said city of steam engines and manufactories of any kind which may be calculated to vitiate the air and incommode the neighborhood, of which the said council shall be the judges, or of shambles, manufactories or establishments, where works, operations or process are carried on which endanger or tend to jeopardize the public health or the public safety ; and the said city council shall also have the power to permit the erection, use or employment thereof, subject to such restrictions, limitations and conditions as the said city council may deem necessary ;

**Stray animals.** For restraining and regulating the custody and abandonment of animals of all kinds, and to authorize the detention thereof in public pounds, and the sale thereof for the penalty incurred, and the costs of prosecution, as well as the expenses of detention ;

**Agricultural abuses.** For preventing or removing all abuses prejudicial to agriculture and not specially provided against by law ;

**Public pounds.** For establishing public pounds for the safe-keeping of animals and poultry, found astray or doing damage on the public ways and bridges or on the lands of others than the owners of such animals and poultry, to determine the fees to be paid to such keepers of such pounds, the damages payable by owners of such impounded animal and poultry, and the manner in which such animal or poultry shall be sold, in the event of their not being claimed within a reasonable time, or in case the damages, penalties, fines and expenses shall not have been paid according to law, or to any by-laws made for the said purpose ;

**Fines to pound-keepers.** For establishing a tariff of fines and dues which shall be paid to the public pounds which are now kept, or which shall hereafter be established in the said city ;

**Dogs.** For regulating and preventing the allowing of dogs to go at large in the said city, and for authorizing the destruction of all dogs wandering at large in contravention of any by-laws in the said city ;

For authorizing the seizure and confiscation of all grain, meat, fish, flour, butter, potatoes, and all vegetables, fruits, articles and effects brought into the said city, for sale or otherwise, on account of deficiency in measure, weight or quality, or for any other good and sufficient reason, and for regulating the weighing and measuring of all cordwood, coal, salt, grain, lime and hay brought into or sold in the said city by strangers or by persons residing therein; for determining in what manner and at what place these articles or any others shall be sold and delivered either by the quantity, or by bulk or by weight; and for compelling all persons to conform in these matters to the regulations which the said council may deem it advantageous to establish in future;

For establishing a market-place or market-places, or for enlarging the market-places that now exist, or those which shall be established in future;

For determining and regulating the duties of the clerks of the markets of the said city, or of the chief of police, policemen, constables, or of all other persons whom the said council may think it right to employ to superintend the said markets; for letting the stalls or places of sale in and around the said markets, determining and fixing the dues which shall be received for all persons who shall come to sell their goods or produce of any kind there; regulating the conduct of all such persons in the sale of their effects; regulating the weighing and measuring, as the case may be, at the request of any party concerned, by the officers appointed for that purpose by the said city council, on payment of all fees which the said council shall have thought fit to prescribe for so doing, of all produce whatsoever that may be offered for sale on the said markets;

For imposing duties upon wagons, carts, sleighs, boats, canoes and vehicles of every description, in which articles shall be exposed for sale upon any such market or in any street, or upon any beach within the city and for regulating the manner in which such vehicles shall be placed when used for any such purposes;

For regulating and imposing dues upon all vehicles which articles shall be exposed for sale, or which may take up places in the said markets, establishing the manner in which the said dues shall be levied;

For preventing persons bringing goods of any kind, wood or materials, into the said city, from selling or exposing them elsewhere than on the markets;

For restricting and regulating the commerce of hucksters and persons buying articles brought into the said city, for the purpose of selling the same again, and for imposing dues and taxes upon them in the prosecution of their traffic;

Bakers.	For making by-laws concerning the bakers in the said city, and the persons in their service ;
Ovens and furnaces.	For preventing any baker, potter, blacksmith, brewer, manufacturer of pot-ashes or pearl-ashes or other manufacturer or person from building, making or having any oven or furnace, unless such oven or furnace communicates with and opens into a chimney of stone or brick, rising at least three feet higher than the top of the building in which, or in connection with which such oven or furnace is placed ;
Sale of bread.	For regulating the sale and the weight of bread that may be sold or offered for sale in the said city, and for providing for the inspecting and weighing of all bread offered for sale, and for the seizure, forfeiture and confiscation, and also for the mode of disposing, after confiscation, of all such bread so offered for sale in contravention of the said regulations, or bread that may be unwholesome or too light ; and to this end to authorize officers or persons to enter into baker's shops or other places, and to stop vehicles carrying bread, for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be necessary, or that may be deemed advantageous to the public interest and safety for the attainment of such object or for causing such to be enforced ;
Marking of bread.	For compelling bakers to mark, with the initials of their respective names, the bread made by them ;
Carters.	For authorizing the granting of licenses to carters, and to the owners and drivers of public vehicles kept for hire in and for the said city, and also for the better guidance of the owners and drivers of such vehicles, and for the establishment of rules and regulations respecting public carts, chaises, calashes, carriages, or other vehicles kept for hire in the said city, as well as for establishing a tariff of prices for the same ;
Penalties on carters.	For imposing a fine and penalty on any carter refusing to act as such ;
Penalties for failure to pay carters.	For imposing a fine and penalty on any person who shall hire, engage, or employ carters in the said city, and who shall neglect or refuse to pay them for their services at the rate fixed in the said tariff ;
Streets and watercourses.	For regulating, cleaning, repairing, mending, altering, opening, widening, narrowing, straightening or discontinuing the streets, squares, lanes, highways, bridges, sidewalks, crossings, drains and sewers, and all natural water courses in the said city ; and for preventing their being incumbered in any way, and protecting them from encroachment and injury, and also for settling the direction of all natural water courses running through private property in the said city ; and for regulating every thing on this subject, whether the said water courses be or be not covered ; to regulate the mode of planting, rearing and

preserving ornamental trees in the streets and public places of the said city ;

For establishing how and by whom the streets, squares, lanes, highways, bridges, sidewalks, crossings, drains and sewers and all natural water courses in the said city shall be made, cleaned, repaired, maintained, mended, altered, opened, widened, narrowed, or straightened ;

For assessing the proprietors of lands situate on any of the streets of the said city for as much as the two-thirds of such sums as shall be deemed necessary for making or repairing of any public sewer or canal in any street of the said city, and immediately in front of such land respectively, and for regulating the mode of collecting and receiving such assessments ;

For compelling the proprietors of all lands, in the said city, or their agents or representatives, to enclose such lands, and for prescribing the height and strength of the materials that shall be employed in so doing ;

For assessing, over and above all the taxes specially established by this act, the citizens of the said city, for the purpose of defraying the expense of indemnities which the said council may be bound to pay to persons, whose houses or other buildings shall have been destroyed or damaged by a riot or by tumultuous assemblies ;

For compelling all owners of houses in the said city to remove from the streets all encroachments or projections of any kind, such as galleries, porches, posts, fences or any other obstacles whatever ;

For regulating the width of the streets that shall be opened in future in the said city ; for regulating and altering the height or the levels of any streets, or of any sidewalks in the said city ; provided that if any person suffer actual damage by the widening, prolongation or alteration of level of any of the streets of the said city, such damage shall be paid for to such person at a valuation by experts, if either of the parties require it ;

For preventing inundations by the rising of the waters of the river Yamaska, opposite the said city ;

For regulating the number and dimensions of the pillars to be erected in the construction of bridges across the said river ;

For assessing at the request of the majority of the proprietors residing in any of the streets or public places of the said city, all the proprietors residing in such streets or public places at such sums as may be necessary to provide for the expense to be incurred for sweeping, watering and keeping clean such street or public place, and that according to the assessed value of their properties ;

For the establishment, construction and maintenance of water-works for the purpose of providing wholesome

water for the inhabitants of the said city ; for taking possession of any lands necessary for the purposes of such water-works for the passage of the canals through which the water is to flow, whether such land be situate within or without the limits of the city, and whether or not the proprietors consent to such taking of possession ; and for imposing and raising by tax whatever amount the council deems requisite to ensure the construction and maintenance of such water-works, and the amount of any indemnification for expropriation and for any damages caused by the construction or maintenance of any such water-works, shall be determined in the manner provided for similar cases by this act ;

**Gas.** For providing, out of the funds of the said city, for a supply of water, and for lighting of the said city with gas, or in any other way ; and for obliging the owners of immovable property in the said city, to allow the necessary works for these purposes to be done upon their respective properties ; and for compelling all proprietors to allow the necessary pipes, lamps or posts to be attached to their houses ; provided always that the expense of such pipes, lamps and other necessary works shall be borne by the said council ; and provided also, that the solidity of the buildings on or near which they shall be, shall be in no way affected thereby ;

**Horses.** For regulating the way in which horses shall be left at rest, or be tied in the streets or in open sheds in the said city ;

**Bathing in the river.** For preventing or regulating bathing and swimming in the river, within the limits of the said city ;

**Firing of guns, &c.** For regulating and preventing the firing of guns, pistols and other fire arms, and preventing the making of bonfires and the firing off of rockets and crackers ;

**Division fences** For regulating the mode of making fences between the lands of adjacent proprietors ;

**Coupe feux.** For regulating and making obligatory the construction of *coupe-feux* in masonry ;

**Chimneys.** For regulating the construction, the dimensions and the form of chimneys and their height above the roofs or even in certain cases above the surrounding houses and buildings ; and by whom the cost of the elevation of such chimneys shall be borne, and within what time such chimneys shall be raised or repaired ;

**Chimney sweeping.** For regulating the manner in which chimneys shall be swept, and at what periods in the year ; for compelling all owners, tenants or occupants of houses in the said city to allow their chimneys to be swept ; and for fixing the rates to be paid, for such sweeping ; and for imposing a fine, on all persons whose chimneys shall have taken fire after their refusal to allow such chimneys to be swept ; and whenever a chimney which shall have so taken fire as aforesaid, shall

be common to several houses or to several households in the same house, the aforesaid fine may be recovered wholly from each owner, tenant or occupant of such house or divided between them at discretion ;

For regulating the mode in which ashes and quick lime shall be kept in the said city, and for preventing all inhabitants of the said city from carrying fire in the streets without the necessary precautions ; from making a fire in a street ; from going from their houses to their out-houses and entering therein with lighted candles not enclosed in lanterns ; and for regulating the mode of keeping and of transporting gunpowder or any inflammable or dangerous substances ; and for regulating or preventing the keeping of smoke-houses and dangerous manufactures as being likely to cause or facilitate fires ; and finally, for making all the regulations deemed necessary for guarding against or diminishing dangers from fire ; and for compelling the proprietors or occupants of barns, lofts or other buildings containing combustible or inflammable materials, to keep the doors thereof closed when not necessarily required to be opened ;

Quick-lime,  
fire and gun-  
powder.

For providing that gunpowder be safely kept in boxes of copper, tin or lead, for regulating the quantity which may be kept in each house or building not being a powder magazine, and for prohibiting the sale thereof after sunset ;

Keeping of  
gunpowder.

For preventing thefts and depredations at fires, and for punishing any person who resists, opposes or illtreats any member or officer of the council, while in the execution of the duty assigned to him or in the exercise of any power with which he is invested in virtue of any by-law made to prevent the dangers of fire ;

Thefts, &c., at  
fires.

For regulating the conduct of all persons present at any fire in the said city ; for compelling the idle lookers-on to help to extinguish the fire or save the effects in danger ;

Conduct of  
persons at fires

And for compelling all the inhabitants of the said city to keep constantly on hand, on, and in their houses, fire-buckets, fire-poles and fire-hooks, in order the more easily to arrest the progress of fire ;

Fire-buckets,  
&c.

For giving to such members of the council and the officers of the fire department who shall be designated in such by-laws, powers to cause to be demolished, thrown down or blown up during a fire, any houses, buildings, out-houses or fences that may furnish fuel to the fire and endanger the other properties of the inhabitants of the city ;

Demolishing  
houses in cases  
of fire.

For nominating and appointing all the officers the said council may deem to be required for causing the by-laws it may make in relation to dangers by fire to be put in execution ; determining their duties and privileges, and remunerating them, if it think proper, out of the funds of

Fire compa-  
nies, &c.



the said city ; and for regulating and establishing one or more companies of firemen and sappers ; and for authorizing the officers whom it shall think proper to name for this purpose to visit and inspect, at seasonable hours, the interior or exterior of every house or building of any kind in the said city, for the purpose of ascertaining if the by-laws passed by the said council, under the authority of this section, are regularly observed ; and for obliging all owners or occupants of houses in the said city to admit such officers for the purpose hereinbefore set forth ;

Penalties on firemen.

For imposing penalties upon the members of fire companies who shall fail to do their duty ;

Assessments for any of its purposes.

For raising and levying any sums of money necessary for any purpose within the scope of the functions of such council ; such sum to be raised by rates equally assessed upon all the persons liable thereto in proportion to the value of their assessable property ;

Special taxes in certain cases.

For imposing and levying upon the parties interested in any works undertaken either before, or after the passing of this act, for the benefit of the city, or of any part of the inhabitants of the said city, a special tax to provide for the payment of such work, although the performance thereof has not been preceded or followed by formalities required by-law ;

Sale of liquor to children.

For preventing the sale of any intoxicating drinks to any child, apprentice or domestic servant ;

Prohibiting sale of liquors.

For prohibiting and preventing the sale of all spirituous, vinous, alcoholic and intoxicating liquors, or to permit such sale subject to such limitation as the council shall consider expedient ;

Collection of inland revenue

For determining under what restrictions and conditions, and in what manner the collector of inland revenue of the district of St. Hyacinthe shall grant licenses to shop-keepers, tavern-keepers, or others to sell liquors ;

Transfers of tavern licenses.

For preventing any transfer of a tavern license, or for determining under what restrictions and conditions and in what manner such transfer shall be accepted by the collector of revenue ;

Prevention of drunkenness.

For the ordering and governing of all shop-keepers, tavern-keepers, or other retailers of liquors, in such manner as the council deems proper for the prevention of drunkenness ;

Masters and servants.

For regulating the conduct and certain duties of apprentices, domestic servants, and hired servants and journeymen in the said city ; and also certain duties and obligations of masters and mistresses towards such apprentices, domestics, servants and journeymen ;

Horse-racing.

For preventing and suppressing, on Sunday or holy days of obligation, all races with horses or other animals, on any race course, or other places specially set apart for horse racing or in any other place whatever ;

For regulating the measuring of all lumber and shingles, brought within the said city for sale; for regulating and determining whether any other articles purchased or sold within the city shall be weighed or measured, or both; for appointing persons to weigh and measure any or all such things, and for fixing and determining the remuneration to be paid to such officers, and the duties to be performed by them; Sale by weight or measurement.

For regulating the manner in which any theatrical performance or other public exhibition shall be held and for the imposition of a tax upon every such performance or exhibition, which tax, if not paid on demand, may be levied out of the goods and chattels of all or any of the persons connected with such performance or exhibition, in virtue of a warrant of distress signed by the mayor of the said city, and for prohibiting any performance or exhibition tending to endanger public safety or morality; Theatres and exhibitions.

For preventing the felling, damaging or destruction of trees planted or kept for shade or ornamentation, either on the public streets or on private property; Trees.

For the dividing of the said city into inspector's divisions; Inspection divisions.  
For imposing for each and every violation of a by-law of the said council made in virtue of this act penalties by a fine not exceeding twenty dollars or by an imprisonment for a period not exceeding two months, or by both; Penalties for infractions by-laws.

For preventing the posting, making or writing of posters, paintings, drawings, indecent words or writings on the houses, walls or fences, or in the streets or public places, Bill posting, &c.

For repressing profane or blasphematory swearing in the streets, on public squares, or in the vicinity; Profane swearing.

For preventing and repressing mock-serenades, *charivaris*, and other disorders troubling the public peace; Charivaris, &c.

For numbering the houses and land lots situate along the streets of the said city; Numbering houses, &c.

For preventing the obstruction of the streets by the cars, or trains of cars, locomotives or other engines of the Grand Trunk Railway Company, and determining what precaution the conductors, engine drivers or stokers of such trains, cars or engines shall take when crossing the streets in the said city, and imposing either on the said servants of the railway company or on the company itself a fine for each infraction of the by-laws passed for that purpose; Obstruction of streets by railway cars, &c.

For defining the duties of all the officers named by the council, and imposing on these officers penalties or fines for neglect of their duties in all cases where such penalties or fines are not determined by law; Controlling of officers of council.

For prohibiting the sale without license on samples, cards or marks of articles, merchandize or goods either produced or manufactured in the province, and to fix the amount to be paid for such license; Licensing sales by sample.

By-laws generally.

For making in the interest of the inhabitants of the said city all other local by-laws which shall not be contrary to law.

Further powers.

**134.** The powers of the said city council of St. Hyacinthe shall further extend to the following objects:

Police force.

To the appointing, arming, lodging, clothing and paying of a police force in the said city;

City gaol.

To the founding, establishing and regulating a city gaol or place of detention in which to confine persons violating the by-laws of the said council, or guilty of vagrancy or other offences;

Bridge pillars.

To the demolishing of any bridge pillars erected in contravention of the by-laws of the said corporation;

Board of health.

To the establishing of a board of health, and conferring upon it all the privileges, powers and authority required to enable it to discharge the duties which shall be assigned to it, or to acquire all useful information as to the course of the general effects of contagious and epidemic diseases; and to make regulations as such board of health may deem necessary for preserving the citizens of the said city from the inroads of any contagious or epidemic disease, or for diminishing the effects or the danger thereof;

Fire engines and fires.

To the paying out of the funds of the said city, of all such outlay as the said council may deem necessary for the purchase of fire engines or any other apparatus designed for the same use, or for adopting such means as shall seem to it most effectual for preventing such accidents by fire, or for stopping the progress of fire;

Investigation of fires.

To the making, authorizing or causing to be made after every fire in the said city, an inquiry in relation to the origin and causes of such fire, and to this end the said council or any committee authorized by it to that effect, may summon witnesses and compel them to appear, and may examine them on oath, which oath shall be administered by any member of the council or of such committee; and may also deliver over to be imprisoned in the common gaol of the district, any person against whom well-grounded causes of suspicion may be found of its having maliciously originated such fire; and the coroner shall make such enquiries only after the refusal of the city council to do so;

Indemnifying persons employed at fires.

To the defraying out of the funds of the said city of any expenditure which the said council may deem it right to make in aiding or assisting any person employed by it, who shall have received any wound or contracted any serious illness at a fire in the said city, or in aiding or assisting the families of any of the persons so employed who shall have lost his life at a fire, or in giving or distributing rewards in money or otherwise to those who shall have been particularly useful or zealous at any fire in the said city;

To the purchasing or renting of property either move-  
able or immovable for the use of the city, and to the sell-  
ing and disposing of them ;

Buying, leas-  
ing, and sell-  
ing property  
for city use.

To the constructing or repairing of every building which  
the said city shall require within the limits of the power of  
the said council ;

Building and  
repairing  
buildings re-  
quired.

To the depositing of the moneys belonging to the mayor  
and city council, or the investing of the same at interest in  
an incorporated bank or in the public funds of the pro-  
vince ;

Depositing  
and investing  
city moneys.

To the remunerating of its officers over and above the  
fees, penalties and commission they may have the right to  
collect in virtue of this act ;

Remuneration  
of its officers.

To the requiring in all cases not specially provided for by  
law security from all persons accountable for money due to  
the mayor and city council and from any persons who may  
contract with the council or its officers, in such manner and  
for such an amount as the council shall judge proper ;

Requiring  
security from  
certain  
persons.

To the obliging of any person who has in his possession  
any maps, plans, titles, writings or other documents relative  
to any road, street, lane, public place or other property  
in the said city, to give communication thereof to the said  
council, or to any of its officers, and to permit such officer,  
or other person appointed for that purpose by the council  
of the said city, to take a copy thereof ;

Requiring  
communication  
of certain do-  
cuments.

To the maintaining or assisting of the infirm, aged, poor,  
destitute and persons unable to earn their living ;

Aiding the  
poor.

To the macadamizing, gravelling or plankings of any  
street or part of a street ;

Macadamizing  
&c.

To the opening, enclosing and maintaining at the ex-  
pense of the city, such squares, parks or public places, as  
may be conducive to the health or convenience of the in-  
habitants ;

Public squares,  
&c.

To the ornamenting of the same by planting trees there-  
in or otherwise, and causing trees to be planted along any  
sidewalk or foot-path, at the expense of the city ;

Planting trees.

To the making of the annual examination and revision  
of the assessment roll ;

Revision of  
rolls.

To the abolishing of any market or market place within  
the city, or for appropriating the whole or any part of the  
site of any market or market place for any other public  
use whatsoever.

Abolishing site  
of market  
places.

To contribute, out of the yearly revenue of the said  
city, to the establishing of manufactures within the limits  
of the said city.

Aiding manu-  
factures.

**135.** The said city council may, by a resolution passed  
to that effect, cause to be pulled down, demolished and  
removed, when judged necessary, all old or dilapidated  
walls, chimneys and buildings of any description that may  
be in a state of ruin, and may determine the time and

Pulling down  
old walls, &c.

manner in which the same shall be pulled down, demolished and removed, and by whom the expense thereof shall be incurred, and in the event of the person bound to pull down, demolish or remove any such old or dilapidated walls, chimneys or other buildings, which the council shall have so ordered to be demolished, neglecting to comply with such order within the delay specified in the said resolution of the council, the latter may cause it to be done, and sue for and recover the expense thereof as a debt, before any court of competent jurisdiction.

Resignation of  
mayor or coun-  
cillors.

**136.** It shall be lawful for the said city council to accept at any time the resignation of the mayor or any councillor, and it shall then proceed with the election of another mayor or councillor as the case may be, in the manner provided for by this act.

Proceedings  
for removal of  
obstructions,  
&c.

**137.** It shall be lawful for the city council to order the inspector of the said city to notify those who may have made, or who shall hereafter make encroachments on the streets or public places of the said city, by houses, fences, buildings or obstructions of any kind, to remove such encroachments or obstructions, allowing a reasonable delay, which shall be specified by the said city inspector on giving his notice; and if such persons have not removed such encroachments, or obstructions in the time specified, the council may order the said inspector to remove such encroachments or obstructions, taking with him sufficient assistance; and the said council may allow the said inspector his reasonable outlay, and recover the same from such persons who shall have made such encroachments or obstructions.

Special tax for  
maintaining  
streets, &c.

**138.** The city council shall have the right to impose a special tax on all proprietors of lands, to meet the expenses of the maintenance of streets and side-walks of the said city, if it deems proper to take charge of the same, such tax being apportioned according to the valuation roll of the immovable property, then in force.

Drainage of  
lands of un-  
known owners.

**139.** In case the owners of lots of land in the city on which there shall be stagnant water should be unknown and have no agent or representatives in the city, it shall be lawful for the said city council to order the said lots to be drained or raised, or to cause them to be fenced in and enclosed at the expense of the said city council, if they are not so; and the said city council shall have the same power if such owners or occupants of such lots are too poor to drain, raise or fence them; and in all these cases the sum expended by the said city council, shall remain charged upon such lots by special hypothec, and by privilege in preference to any other debt whatever, and shall be recoverable in the same manner as the taxes due to the said council.

**140.** The council shall have the right of causing to be removed from the limits of the said city, any dead body or carcass and matter or thing on the point or liable to become unwholesome, by the proprietors or occupants of any land where they may be found, and in default thereof to authorize the removal or destruction of the same by some officer of the city, and to recover the expense of such removal or destruction from the persons refusing or neglecting to remove or destroy them.

Removal of  
dead bodies.

**141.** The said city council shall have power, whenever a house shall be found within the line of a street or public place in the said city, to prevent the owner of such house from re-building it on the lot occupied by the demolished house; and it shall be lawful for the said council to purchase such part of such lot as shall encroach on a street, or to compel the owner of such lot to part with it for a sufficient indemnity; and such indemnity shall be fixed by arbitrators, named respectively by the said council and the owner whom it shall be sought to disposses, if either of the parties desires it; and the said arbitrators shall name a third in case of difference of opinion, and after having been sworn by a justice of the peace, shall take cognizance of the contestation, shall visit the said premises, and shall settle the amount of the indemnity to be granted to such owner; and the said arbitrators shall have the right to decide which of the parties shall pay the costs of the arbitration.

Preventing re-  
building of  
houses en-  
croaching on  
streets.

**142.** The said city council shall have full and entire power to purchase and acquire, with the funds of the said city, any land and immovable property whatever in the said city, which it shall deem necessary for the opening or widening of any street, public place or market place, or for the erection of a public building, or for any object of public utility of what kind soever it may be.

Purchase of  
land for public  
use.

**143.** The said city council shall have full power and authority to purchase real property in the said city, and also out of and beyond the limits thereof, if it think proper so to do, for any purpose of public utility, and especially in order to establish a cemetery or cemeteries in or near the said city, for the use and benefit of its inhabitants or of the majority of its inhabitants.

Purchase of  
land for ceme-  
teries, &c.

**144.** Whenever the majority of the proprietors of real estate in a street or part of a street in the city shall, by a petition addressed to the city council, require the making of a common sewer, the macadamizing, planking or making of any other improvements whatsoever, to such street or part of a street, the said council, may order such improvements to be made, and may regulate the manner of levying and collecting a sufficient assessment to defray the cost thereof, on the persons who may be interested in such im-

Ordering  
streets im-  
provements  
and assessing  
cost thereof.

provement or on all proprietors of lands, opposite to which such improvements may be made; when any real property shall be situated on two or more streets, or on one or two streets and a public square, the said council in passing such by-law shall decide what proportion or part of the said property is benefited by the special improvement made in such street or public square, and shall, in consequence, apportion the special tax or assessment to be levied on the said property to defray the cost of such improvement.

Mode of expropriating lands required.

**145.** When the proprietor of a piece of land, situate within the limits of the said city, which the said city council shall wish to purchase for any useful purpose, shall refuse to consent amicably to such sale, or when such proprietor shall be absent from the province, or when such pieces of land shall belong to minors, children yet unborn, idiots, lunatics, or married women, the said council may apply to the superior or circuit court for the district of St. Hyacinthe, for the appointment by the said court, of an arbitrator, to make, in conjunction with the arbitrator of the said council, a valuation of the said piece of land, with powers to the said arbitrators to name a third in case of difference of opinion; and when the said arbitrators shall have made their report to the said council at a regular sitting, it shall be lawful for the said council to take possession of the said piece of land on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the prothonotary of the superior court, or the clerk of the circuit court at St. Hyacinthe, for the use of the person entitled to it; and if any such person entitled to such indemnity do not present himself within six months after the making of the deposit in the hands of such prothonotary or clerk, so to claim the sum deposited, then the said prothonotary or clerk shall return such sum to the secretary-treasurer of the said city, to be by him placed with the moneys of the said city, which shall be payable by the said council to any person entitled thereto within three months after a formal notification to pay such sum shall have been given to the secretary-treasurer of the said city.

Certain persons may be arrested on view, tried, convicted and fined or imprisoned.

**146.** It shall be lawful for any police officer or constable of the said city, to apprehend on view every loose, idle and disorderly person, that is any person whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, or whom he shall find lying, loitering or wandering, either by night or by day, in any field, highway, yard, or other place, and every prostitute or person wandering by night or by day, or found lying down, loitering, lodging or sleeping in any barn, shed, outhouse or other building unoccupied, or in the open air, or under any tent, cart, wagon or other vehicle, not giving a satisfactory account of himself or her-

self, and every person causing a disturbance in the streets or highways, by shouting or otherwise, and to deliver any person so apprehended into the custody of the officer or constable appointed under this act, who shall be in attendance at the nearest police station or watch house, in order that such person may be so secured until he or she can be brought before any one or more justices of the peace residing in the said city to be dealt with according to law and the provisions of this act; and it shall further be lawful for the said justice or justices, by whom any such loose, idle or disorderly person shall be convicted of any of the said recited offences, on confession or on the evidence under oath of one or more credible witnesses, to adjudge that such person shall pay a fine not exceeding twenty dollars, either immediately or within such period as may be thought fit; and that in default of such payment, either immediately or within the time appointed as aforesaid, such person may be imprisoned in the said common gaol or house of correction, at hard labor any time not exceeding two calendar months, the imprisonment, however, to cease upon payment of the fine imposed.

147. It shall be lawful for any constable, by day or night, to arrest, on view any person contravening any of the by-laws of the said council, and said constable may also arrest any such offender, immediately after the commission of the offence, upon good and sufficient information given as to the nature of the offence and the persons of the offenders; and every person so summarily arrested shall be safely kept until he or she can be brought before one or more justices of the peace, to be dealt with according to law and the by-laws in force.

Persons contravening by-laws may be arrested, &c.

148. Every person who designedly shall tear, damage or deface an advertisement, notice or other document which is ordered by this act or shall be ordered by any by-laws or order of the council to be posted in a public place, shall incur a penalty not exceeding eight dollars for each offence.

Penalty for defacing notices, &c., of council.

149. Every tenant who shall falsely represent the value of the rent paid by him, in order to diminish the amount of his assessment shall be liable, on conviction thereof, before the mayor or a justice of the peace, to a fine not exceeding twenty dollars, or to an imprisonment not exceeding one calendar month.

Penalty for falsely stating amount of rent.

150. Whosoever shall refuse to open the door of a house to the person entrusted with the seizure or the sale of the goods and chattels therein, shall be guilty of *rebellion à jus-see*, and may in consequence, be condemned by the mayor or any justice of the peace to an imprisonment not exceeding thirty days.

Punishment of persons resisting seizures, &c.

151. Every person entrusted with a warrant of seizure and sale may be authorized by a special order signed by

Officer seizing may be empowered to open



the mayor or by any justice of the peace, to open the doors of the houses or buildings which he has found closed, or of which the entrance has been refused to him, and may also by virtue of the same order, require the assistance of any other person, as he may judge proper, and the costs incurred in such proceeding shall be levied by virtue of the same warrant.

Penalty  
against certain  
officers for  
neglect of  
duty.

**152.** Any returning officer, deputy returning officer, poll clerk, secretary-treasurer, assistant secretary-treasurer, chief of police, constable and police officer, or market clerk, who shall neglect or refuse to execute any duty to him assigned by this act, or to obey any lawful order of the city council, shall, for each offence, incur a penalty not exceeding five dollars.

Punishment of  
persons contra-  
vening by-laws

**153.** Any person who shall transgress any by-law made by the said city council under the authority of this act or of all other acts by the present repealed, shall, for such offence, be liable to the fine or imprisonment specified in the said by-law, with the costs to be allowed by the justice or justices of the peace who shall try such offence.

Who may bring  
actions under  
this act.

**154.** Every person aged twenty-one years residing in the city, shall have the right to take any action authorized by this act or any of the by-laws of the city council of St. Hyacinthe; all such actions may also be taken by the mayor and city council of St. Hyacinthe.

Recovery of  
penalties.

**155.** All fines and penalties imposed by this act or by any by-law made by the city council, shall be recovered before any justice of the peace sitting in the said city.

Application of  
penalties.

**156.** All the fines and penalties imposed in virtue of this act, or any by-law made by the city council of St. Hyacinthe, shall be recovered for the use of the said city council, and shall form part of its funds, and it shall be lawful for the said council and for the mayor of the city of St. Hyacinthe, to remit any fine or penalty which he shall think proper to remit, and the secretary-treasurer is hereby authorized to accept the payment of all such fines and penalties and to fix the amount thereof, which shall not exceed the half of the *maximum* of such penalty imposed either by this act or by by-laws of the said council and all the costs without awaiting the decision of the court, or even without having been sued.

Complaints to  
be brought  
within three  
months.

**157.** Any information or complaint for infraction of any by-laws of the said city council shall be made or brought within the thirty days following the commission of the offence.

Sheriff and  
gaoler bound  
to receive per-  
sons committed  
under this act.

**158.** The sheriff and the gaoler of the district of St. Hyacinthe shall be bound, and they are hereby enjoined and empowered to receive and safely to keep, until they shall be duly discharged, all persons condemned to imprisonment, in virtue of this act or of any by-law passed by the city council, and also all persons committed to the custody

of the said sheriff, or gaoler, by the said city council, or by any of its members or officers under its authority, or by any returning officer or deputy returning officer at any municipal election in the said city.

**159.** The by-laws which have been printed by order of the city council of St. Hyacinthe in the year one thousand eight hundred and fifty-six, and passed the twenty-fifth of April and the twenty-second of August of the said year, and all those passed since by the said city council, shall remain in force until they shall have been regularly recalled and annulled, by virtue of this act. Certain former by-laws to continue in force.

**160.** Every notice for the putting in execution of any by-law, shall be posted in the office of the secretary-treasurer and inserted in a newspaper published in the said city, during fifteen days before the day when such by-law shall become binding. The posting of such notice during the same time in a public place of the said city, chosen for that purpose by the city council, shall have the same effect to all purposes, as the publication of such notice in a newspaper. Posting of notices.

**161.** Every public notice required by this act, unless otherwise provided for, shall be posted in the office of the secretary-treasurer and inserted in a newspaper published in the said city, during fifteen days. Same subject.

The posting up of such notice during the same space of time in a public place in the said city, selected for that purpose by the city council, shall take the place of the publication of such notice in a newspaper.

**162.** The inhabitants of the said city shall be competent witnesses in any case in which the said city council shall be a party, and shall not be held to be interested because they reside or are rate-payers therein. Rate-payers to be competent witnesses.

**163.** All suits, actions or prosecutions which might, before the passing of this act, be brought or commenced in the name of the collector of revenue in virtue of the sixth chapter of the consolidated statutes for Lower Canada, and any acts which may have been or may hereafter be passed to amend the same, may be brought and commenced before one or more justices of the peace, residing in the said city, in the name of the mayor and city council of St. Hyacinthe, provided they are brought for offences committed within the limits of the said city; and all and every the provisions of the said last cited act in regard to the said offences, and the mode of prosecuting and punishing therefor, and all the proceedings, orders and convictions authorized and commanded to be made in and by the said act and those amending it are incorporated with this act, with such modifications as are necessary for their application. Certain suits may be brought in the name of the council.

**164.** All the provisions of any law inconsistent with the provisions of this act, shall be and the same are hereby repealed. Repeal of inconsistent enactments.

## C A P. X L .

## An Act to amend the Act incorporating the Town of Iberville.

[Assented to 24th December, 1870.]

Preamble.

**W**HEREAS the corporation of the Town of Iberville has prayed by its petition for certain amendments to its act of incorporation, and it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

§ 39 of 22 V.,  
c. 64 repealed.

**1.** Section thirty-nine of the act of the parliament of the late province of Canada, twenty-second Victoria, chapter sixty-four, is hereby repealed, and the following provision substituted therefor :

Sec.-treasurer  
shall make an  
annual state-  
ment of out-  
standing taxes  
and other de-  
tails connected  
therewith.

On or before the fifteenth of November in each year, the secretary-treasurer of the town of Iberville shall make a statement of all taxes outstanding on the collection rolls for the preceding twelve months, and of all arrears due to the corporation of the said town, with all particulars relating thereto, including the amount or balance due on all judgments against owners of lands or lots, or other persons, within the limits of the said town, either for taxes or for penalties due or incurred under the authority of the said act incorporating the said town ; and he shall mention in such statement, opposite every amount, the reason why he shall not have levied the same, by inserting the words " non-resident " or " unknown proprietor," or " no movable property liable to be attached," as the case may be, and the designation of the lands or lots for which such taxes or other debts are due ; he shall, moreover, insert in such statement all other taxes, assessments and debts claimed either by the school commissioners of the municipality of the said town, if the said school commissioners have furnished previously thereto to the secretary-treasurer a statement shewing the assessments, taxes and debts which may be due to them, or by any person who shall have legally expended money for the payment of such taxes, assessments or debts, and the statement of which and the proof of such payment shall be furnished previously thereto to the said secretary-treasurer by such person.

Copy of said  
statement to be  
sent to sec.-  
treasurer of  
county coun-  
cil who shall  
sell the lands  
liable for taxes.

**2.** The said secretary-treasurer shall forward to the secretary-treasurer of the municipal council of the county of Iberville, a duly certified copy of such statement, which shall have been previously submitted to the town council, and the said secretary-treasurer of the county council shall proceed to the sale of such lands or lots in the manner and form prescribed in sections fifty-nine and sixty-one of the

"Lower Canada Municipal Act of 1860," or by any provisions which may be substituted therefor; and the said sections or provisions, and amendments relating thereto, to wit the act of the late province of Canada, section eleven, chapter nine, twenty-seventh Victoria, and the act of the province of Quebec, chapter twenty-two, twenty-third Victoria, shall apply to such sale of such lands or lots.

## C A P . X L I .

An Act to amend the Act to Incorporate the Town of Levis.

[Assented to 24th December, 1870.]

**W**HEREAS the Corporation of the town of Levis has Preamble.  
petitioned for certain modifications to the Act of incorporation of the said town, and whereas it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The fifth section of the act twenty-fourth Victoria, chapter seventy is hereby amended by striking out in the fifteenth line the word "fifteen," and putting in its place the word "seven." § 5 of 24 V., c. 70 amended.

2. There is a vacancy in the office of councillor in each of the following cases: Causes of vacancy amongst councillors.

1. When any person exempt from such office has been appointed councillor or if he becomes exempt or incapable while filling such office under section forty-two of the act twenty-fourth Victoria, chapter seventy;

2. In the event of the death, annulment of election, refusal to accept the office or to act, of absence from the town during two months, of infirmity or illness, then the election for the purpose of replacing the person whose seat shall have become vacant, shall be held immediately in the manner prescribed for the general elections of councillors or of mayor, as the case may be. Sub-section eleven is repealed.

3. The forty-seventh section is repealed, and the following put in the place: § 47, of 22 V., c. 64 repealed.

"47. All taxes or assessments imposed by the town council shall become due and shall be paid at the office of the treasurer of the said town, on the days determined by the said town council, and within the next following thirty days; and in default of payment within such delays, the town council may recover the same by law-suits before any court in and for the district of Quebec; provided that a notice accompanied by a detailed account be left by the treasurer or some person employed by him, at the domi- When taxes shall be recoverable.

cile of the person in default, at least eight days before the institution of the suit."

§ 66, of said  
act amended.  
Procedure in  
suits brought  
under this act.

4. Section sixty-six is amended by adding the following:

1. Such suit shall be brought by the corporation of the town of Levis;

2. Any suit brought in virtue of the provisions of this act may be decided on the oath of one credible witness;

3. Suits brought before justices of the peace, in virtue of the present section shall be heard and decided by them, either according to the usual rules of procedure laid down respecting summary orders and convictions, unless the same are inconsistent with the provisions of the present section;

4. Such suits need not be begun by the affidavit or deposition on oath of the plaintiff or complainant, provided always that the purport of the complaint or demand is sufficiently set forth in the writ or in a declaration annexed thereto;

5. There must be an interval of at least two juridical days between the day of the service of the summons and that of the return;

6. On the day of the return of the summons and at every other stage of the proceedings the justice of the peace who has signed the summons may hear and decide the case alone;

7. He may nevertheless require the assistance of any other justice of the peace having jurisdiction within the town;

8. The returns of service made by a bailiff are given under his oath of office;

9. The justice of the peace or the clerk must take notes of the important parts of the evidence;

These notes signed by the sitting justice of the peace are part of the record;

10. The judgment of the court may be executed at the expiration of fifteen days from the date thereof;

Appeal.

11. An appeal lies, to the circuit court of the district of Quebec. From every judgment rendered by justices of the peace, in suits brought under the provisions of the act of incorporation or the by-laws of the town of Levis;

Procedure in  
appeal.

12. The party who desires to appeal therefrom, must within fifteen juridical days after the judgment is rendered:

1. Give notice in writing of his intention to the justice or to one of the justices of the peace who rendered judgment or to their clerk;

2. Furnish before the clerk of the court, where the appeal is brought, good and sufficient security to effectively prosecute the said appeal, to satisfy the judgment and to pay the damages awarded, and costs incurred as well of the inferior court, as in appeal, in the event of the judgment being confirmed.

13. Sureties must, to the satisfaction of the clerk, justify their sufficiency, to the amount of at least one hundred dollars, over and above all debts, and under oath, if the clerk deems proper;

One surety is sufficient;

14. The appeal is brought before the court, by means of a writ of appeal signed by the clerk stating that the appellant complains that he is aggrieved by the judgment appealed from and ordering the justice or justices of the peace who have rendered judgment or their clerk to transmit the record of the said case;

15. A copy of such writ of appeal certified by the clerk or by the appellant's attorney with a notice of the day when it will be presented must be served within the fifteen days next after the rendering of the judgment, on the respondent or his attorney, and on the justice of the peace, or on one of the justices of the peace, who rendered the same, or on their clerk;

16. Between the day of such service and that fixed for presenting the petition in appeal to the court, the justices of the peace, or their clerk, must transmit the record, in the case to the clerk of the circuit court, with a certificate testifying that the documents transmitted are all the papers, documents and evidence relating to the case;

17. The execution of the judgment from which an appeal has been instituted is suspended until the decision of the circuit court, if the copy of the writ of appeal has been served, within the prescribed delay, upon the justices of the peace, or upon their clerk, as well as upon the corporation of the town at their office, or upon their attorney; in default thereof the judgment may be carried into effect;

18. The writ of appeal must be returned to the circuit court on or before the first juridical day of the term following the expiration of the twenty days after the judgment was rendered; in default thereof the appeal lapses;

The appellant must produce on the day of the return of the writ of appeal together with a return of the bailiff, establishing the necessary services, a petition in which shall be summarily set forth the name of the case, the date of the judgment, the notice given, the security furnished, the reasons of appeal and conclusions tending to the setting aside of the judgment and to the rendering of that which should have been given;

19. The appeal is heard and decided in summary manner, and no fresh witnesses can be heard;

20. The judgment can be set aside only when a substantial injustice has been committed, and never by reason of any trifling variance or informality;

If objections are raised which do not affect the merits of the cause, the court may amend the procedure, which is

thereupon executed as though it had been regular in the first instance;

21. If the judgment is confirmed, the record in the cause together with a copy of the judgment deciding the cause and a certificate of the costs allowed on the appeal, must be transmitted without delay to the court below under the authority of which all the costs incurred are levied even those incurred in appeal;

22. If the judgment is modified in whole or in part, the record and all the procedure remain in the archives of the circuit court and the judgment pronouncing on the appeal is carried into effect under the authority of such court;

23. Every appellant who neglects to make the service required, by the subsection fifteen, hereinabove, or, who having made the same, neglects effectually to prosecute the appeal, is deemed to have abandoned such appeal, and the court, on application by the respondent, must declare forfeited all the rights and claim founded on the said appeal, with costs in favor of the respondent, and orders the transmission of the record to the court below;

24. The securities are bound to satisfy the judgment, under penalty of seizure and execution, and in the same manner as the principal party, fifteen days after service of the judgment upon them;

25. No appeal lies under the provisions of this act from any judgment rendered by any judge of the superior court or any district magistrate;

26. No judgment or conviction susceptible of appeal under the provisions of this act, and no judgment or conviction pronounced by a district magistrate can be set aside by *certiorari* before the superior or circuit courts.

## CAP. XLII.

An Act to incorporate the "Sherbrooke Water-Power Company."

[Assented to 24th December, 1870.]

### Preamble.

**W**HEREAS the Honorable John Sewell Sanborn, John Henry Pope, Richard William Heneker, Francis D. Gilbert, Thomas S. Morey, Samuel J. Foss and Robert N. Hall, of the town of Sherbrooke, in the district of St. Francis, have, by their petition, prayed that they might be incorporated under the name of the "Sherbrooke Water Power Company," for the purpose of constructing and securing water-powers within the limits of the said town of Sherbrooke, and for erecting machine shops and factories in connection therewith, and letting and leasing the same,

or carrying on any kind of manufacturing business therein, and that power might be given to the British American Land Company to take and hold stock therein, and it is expedient that the prayer of their petition be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The several persons hereinbefore named and such other persons as may become shareholders in the company to be by this act created, shall be, and they are hereby constituted and declared to be a corporation, body corporate and politic, by the name of the "Sherbrooke Water Power Company," and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, plead and be impleaded in all courts of law, as other corporations may do, and shall have the power to acquire and hold in addition to personal property, real or immovable estate, for the purpose of their business aforesaid.

Certain persons incorporated.

Corporate powers.

2. The said corporation, hereinafter called the "company," shall have the power to acquire lands from any individual, corporation, or company, either by purchase, exchange, donation or lease, and may from time to time sell, lease, or otherwise dispose of the same, and acquire others, and may construct dams, canals, sluices, roads, bridges and crossings within and upon their own lands, and may erect machine shops, factories, tenement houses, warehouses, and sheds, and may occupy, sell or lease the same or any section or portion of the same, and may construct railways or tramways for the purpose of connecting the property to be acquired and held by them under this act with any other railway, and may propel carriages thereon, either by steam or horse-power as may be found most expedient, and all such other works and erections as shall be requisite to give effect to the full intent and meaning of this act.

Power to acquire certain property and to construct certain works, &c.

3. The British American Land Company shall have power to take and hold stock in the said company, and the commissioner of the said British American Land Company, duly authorized to that effect, shall have the right to sign the stock books of the said company on their behalf either for subscription or transmission of shares, and to represent and vote upon said shares of stock at any meeting of the said company.

B. A. Land Company may take shares.

4. The capital stock of the said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns.

Capital stock.

5. The said Honorable John S. Sanborn, John Henry Pope, Richard W. Heneker, Francis D. Gilbert, Thomas S.

Provisional directors.



Morey, Samuel J. Foss, and Robert N. Hall, shall be the provisional directors of the said company, with power to open books of subscription for the stock of the said company, and to receive subscriptions for the said stock, and to do such other things relative to the said subscriptions and the management of the affairs of the said company and its organization, as it may be requisite to do, before the first general meeting of the stockholders for the election of directors as hereinafter mentioned.

Meeting for  
election of  
first directors.

6. As soon as the sum of forty thousand dollars of the said capital stock shall have been subscribed and four thousand dollars actually paid in thereupon, it shall be lawful for the provisional directors to call a meeting in Sherbrooke aforesaid, for the purpose of proceeding to the election of directors of the said company, and such election shall then and there be made by the holders of the majority of shares voted upon at such meeting and present thereat, in person or by proxy, and the persons then and there chosen shall be the first directors, and shall be capable of serving until the election of directors at or after the first annual meeting of the company.

Number and  
qualification of  
directors.

7. The affairs of the company shall be managed by a board of seven directors, but no person shall be elected or chosen a director unless he is a shareholder in the company to the extent of at least five shares in his own right, and not in arrears in respect of any calls thereon.

Election of sub-  
sequent direc-  
tors.

8. The subsequent directors of the company shall be elected by the shareholders in general meeting of the company assembled, at such time, in such manner and for such term as by the by-laws of the company may be prescribed.

Power to bor-  
row money.

9. The company may borrow under the authority of this act, and for carrying its provisions into effect, to the extent at any time of its paid up capital, in such sums and at such rates of interest, and for such periods as may be found expedient, and to secure such loan, may give a valid mortgage and hypothec upon the real estate of the said company, signed by the president and secretary thereof, after being duly authorized thereto under the provisions and regulations of the by-laws of the said company.

31 V., c. 24 to  
apply.

10. The several provisions of the Joint Stock Companies' General Clauses Act, passed by the Legislature of Quebec in the thirty-first year of Her Majesty's reign, chapter twenty-four, shall apply to the present Act in so far as applicable thereto.

## CAP. XLIII.

An Act to incorporate the " Laprairie Navigation Company."

[Assented to 24th December, 1870.]

**W**HEREAS Jean-Baptiste Varin, John Dunn, Camille Lacombe, Julien Brosseau and Julien Brossard, residing in the village of Laprairie, in the district of Montreal, have, by petition, represented that an association was formed in the parish of Laprairie, three years ago, under the name and style of " The County of Laprairie Navigation Company," in which, with other persons, they are subscribers and shareholders, with the view of promoting the public interest, by building vessels, wharves and landing-places, and by establishing a line of steamboats, for the transport of freight and passengers, between the port of Montreal and the said parish of Laprairie, and for every other purpose relating to the inland navigation of this Province; and whereas the object of the said company is to facilitate the trade of this province, and to promote the progress of navigation therein; and, whereas, the said company might be put under the necessity of becoming a party to suits at law, and, in order to avoid certain technical inconveniences, the said company have prayed to be incorporated; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Jean-Baptiste Varin, John Dunn, Camille Lacombe, Julien Brosseau and Julien Brossard, and all other persons Certain persons incorporated. who may now be, or hereafter become subscribers or stockholders in the said company, and all or any other person or persons, bodies politic and corporate, who, as executors, administrators, successors and assigns, or by any other lawful title, may hold any part, share or interest in the capital stock of the said company, and their executors, administrators, successors and assigns shall be, and they are hereby constituted a body politic and corporate, for the purposes Corporate powers. mentioned in the preamble of this act, under the name and style of " The Laprairie Navigation Company," and shall, by that name, have perpetual succession and a common seal, and by the same name be capable of suing and being sued in all courts of justice in this province; the said company may make, establish and put into execution, alter or repeal all by-laws, rules, ordinances and regulations, the same not being contrary to the laws of the province, or to the provisions of this act, as may appear to them necessary or expedient, for the management of the business of the said company; all the

Property of  
former com-  
pany transfer-  
red to present  
corporation.

movable and immovable property, rights and actions belonging to the said county of Laprairie Navigation Company are hereby transferred to the said corporation, and from and after the passing of this act, the said corporation shall be the proprietor thereof and of all other movable property and effects which the said corporation may hereafter acquire ; and all the debts and obligations of the said county of Laprairie Navigation Company shall be acquitted and performed by the said corporation ; provided always that no by-law, ordinance, rule or regulation shall be in force until the same shall have been approved of by a majority of the directors hereinafter mentioned, or their successors, authorized to that effect at the annual general meeting of the stockholders of the said company.

Proviso :

Capital.

Liabilities of  
shareholders  
limited.

2. The capital of the said company is hereby limited to the sum of sixty thousand dollars currency, divided into twelve hundred shares of fifty dollars each, but it shall be lawful for the said company to use and enjoy the rights, privileges and advantages granted by this act, as soon as thirty thousand dollars of the said company shall have been subscribed and paid ; and the shareholders of the said company shall not be in any case liable for more than the amount by them respectively subscribed, or the amount of the shares taken by them respectively in the said company, and the amount of the said shares being once paid in full, nothing more shall, in any case, be exacted of the said shareholders ; after an amount equal to the said sum of thirty thousand dollars currency has been subscribed and paid, no new shares in the said company shall be taken so as to increase the subscribed capital, until a resolution to that effect has been adopted by the board of directors, to be approved by a majority of the shareholders, at their annual meeting, or a special meeting to be convened for that purpose.

Power to hold  
property for  
wharfs, &c.

3. The said corporation under the name of the " Laprairie Navigation Company," may also acquire and hold real estate for the construction of wharves and the erection of warehouses and offices, and for such other necessary purposes in connection therewith, as the said company may deem expedient, at the different ports and places at which the steamboats belonging to the said company shall touch, and may at any time sell, exchange and dispose of the same, and purchase other property for the same purpose ; provided always, that the said company shall not at any time possess real estate, the total value of which shall exceed the sum of ten thousand dollars currency.

Proviso :

Directors.

Quorum.

4. The superintendence, control and management of the affairs of the said company shall be vested in five directors, three of whom shall be a quorum, which said directors shall be stockholders in the said company, and shall not be

eligible unless each of them possess, in his own name, for at least one month then last past, ten shares in the said company ; these directors shall be elected at regular meetings on the third Tuesday of the month of January in each year, or in the event of it being impossible to hold the said meeting on such day, thereupon on the day and at the hour and place which shall be appointed by a majority of directors, and notice whereof shall be given in writing by the secretary of the company, ten days previous to the day appointed for the said meeting ; and the said election shall be had and made by the shareholders of the said company present at the said meeting, or represented thereat by any person holding a written power of attorney in the form A annexed to this act, or passed before notaries ; and all elections of directors shall be in the manner prescribed in the by-laws of the said company ; the directors elected shall choose out of their number a president ; they may also appoint a secretary of the board of directors who may be at the same time one of the directors, on such conditions as they may deem advisable, provided he be a shareholder of the company : it shall be the duty of the said president to preside at all meetings of the stockholders or directors, he may vote at all meetings of the directors, and in case of an equal division of votes, he shall also have a casting vote ; any vacancy among the directors occasioned by death, resignation, or absence from the province, shall be filled by such person as the directors may appoint, and it shall be lawful for the stockholders at any special meeting called for that purpose, to remove all or any of the said directors and to appoint others in their stead, in the same manner as the annual election of the directors as hereby provided for.

Election of directors.

President and secretary.

Vacancies among directors.

5. Each stockholder shall be entitled at the general meeting to a number of votes proportionate to the number of shares which he has or shall have had in his own name at least one month previous to the time of voting in the following proportion, to wit : one vote for one share, two votes for four shares, three votes for ten shares, four votes for sixteen shares, and five votes for thirty shares or more, whatever may be the number ; and all questions brought before the stockholders at any general or special meeting shall be decided by a majority of such votes of shareholders then present, subject, in case of an equality of votes, to the casting vote of the president.

Voting.

6. All the ordinary affairs of the company shall be administered by the board of directors and decided by a majority of votes ; the said board of directors may, in the interests of the company, dispose of the movable or immovable property of the company, by sale or exchange, or in any other way which the interests of the said company may

Power of directors.

require, and acquire other movable or immovable property for the same purposes.

Meetings, how  
called.

7. The president or any two or more directors may, at any time, and from time to time, call a meeting or meetings of the stockholders, either for general or special purposes.

Duties of di-  
rectors.

8. It shall be the duty of the directors to make such yearly dividends of the profits of the company as to them shall appear advisable; and an exact and particular statement shall be annually made of their affairs, debts, credits, profits and losses, such statement to appear on the books of the company and to be open to the perusal of any stockholder; and a copy thereof certified by the oath of the president or two directors shall be transmitted annually to the three branches of the provincial legislature, which oath any judge, commissioner or justice of the peace, is hereby authorized to administer; and before paying and liquidating such annual dividends of the profits of the said company, and out of such dividends, the said company shall have a right to keep and retain a special and reserve fund, to be employed for the acquisition and construction and other expenses of steamboats of the said company, a clear statement whereof shall be submitted and retained by the directors of the said company, to form part of the minutes of their proceedings.

Failure to  
elect provided  
for.

9. If at any time, it shall happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election, in the same manner as the annual election of directors is herein provided for; and until such election, the former directors shall continue in office, and every act done by them shall have full force and effect.

Transfer of  
stock.

10. The shares of the said capital stock shall be transferable, and may be transferred by the respective holders and owners thereof, according to the form prescribed by form B hereunto annexed, provided, always that the transferrer shall be held personally liable to the said company for all or any part of the shares by him subscribed, and which shall be found to be due and owing by him at the time of such transfer; and provided that the said transferrer shall not be able to transfer any part of all such shares by him subscribed for, until he shall have paid to the said company all and every the sums of money which he may owe to the said company, either for the whole or any part of the shares by him subscribed for, and for which he shall be indebted at the time of such transfer, cession or alienation, or which he shall owe to the said company upon old accounts, promissory notes and otherwise. Before being held to be holder and owner of a share

Proviso.

or shares in the said company, any transferrer shall be bound to give, or cause notice of such transfer to be given at the office of the said company within fifteen days after the date of such transfer.

**11.** Until the first annual general meeting of the company as above provided for, the board of directors of the said company shall be composed of the present directors who are Jean-Baptiste Varin, John Dunn, Camille Lacombe, Julien Brosseau and Julien Brossard, who shall continue to administer the affairs of the said company as directors duly elected, and shall continue in office until the appointment of their successors, as provided by this act. Provisional directors.

**12.** The principal office of the said company which shall be considered its chief place of business, shall be in the village of Laprairie; and any service of process made at that office, or upon the president of the company in person, shall be held and deemed to be good and sufficient service, by all courts of justice in this province. Place of business and mode of service.

**13.** Any shareholder in the said company may, by a power of attorney, according to the form A annexed to this act, or in any form to the same effect, or by a power of attorney executed before notaries, constitute or nominate an attorney to represent him with respect to the said company, convey his shares therein to third persons, accept the transfer of shares to him, receive his dividends and bonuses, sell his shares, and represent him at the meetings of shareholders, and vote for him. Shareholders may be represented by attorneys. Form of power of attorney. Form of transfer.

## FORM A.

### *Referred to in the foregoing Act.*

I, the undersigned, do hereby constitute and nominate C. M.—as my special attorney, to sell and convey the shares which I possess in the Laprairie Navigation Company, to buy shares in the said company for me, and receive transfer thereof, to receive all dividends and bonuses payable to me, and give receipts therefor, to represent me in meetings of shareholders of the said company, called for any purpose whatever, to give for me the number of votes to which I am entitled according to the number of my shares; and I ratify by these presents all that my said attorney shall do in virtue of this power of attorney.

Done at this . day of one  
thousand eight hundred and

Signed in presence of two witnesses.

Signature.

## FORM B.

*Referred to in the foregoing Act.*

For value received from \_\_\_\_\_ of \_\_\_\_\_ I  
 (or we) do hereby assign and transfer to \_\_\_\_\_ of \_\_\_\_\_  
 shares on each of which has been paid \_\_\_\_\_ dollars  
 cents currency in the capital stock of the "Laprairie Navigation  
 Company," the office of which is at \_\_\_\_\_, subject  
 to the rules and regulations of the said company, hereby  
 obliging myself to fulfil the conditions imposed by the  
 proviso contained in the eleventh section of the act of  
 incorporation of the said company.

In testimony whereof, I (or we) have signed these  
 presents at the office of the said company, this \_\_\_\_\_  
 day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

*(Signature of the Transferrer, or of his Attorney.)*

Witnesses.

I (or we) do hereby accept the foregoing assignment of  
 shares in the capital stock of the Laprairie Navigation  
 Company, to \_\_\_\_\_ (as above mentioned), \_\_\_\_\_ day of  
 one thousand eight hundred and \_\_\_\_\_

*(Signature of the Transferrer, or of his Attorney.)*

Witnesses.

## CAP. XLIV.

An Act to incorporate "La Compagnie de la Pêche aux  
 Marsouins de la Rivière Ouelle," and for other pur-  
 poses.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS the co-proprietors of certain property,  
 known as "La Pointe de la Rivière Ouelle," bounded  
 to the east by Philippe Gagnon, and on its other sides by  
 the River Saint Lawrence and River Ouelle, have, by their  
 petition to the Legislature, prayed to be incorporated for  
 the better administration of the said property, together with  
 its fishing and hunting rights, and particularly the porpoise  
 fishery, and to provide a mode by which the value of the  
 said joint property be represented by a stock capital, to be  
 subdivided between the co-proprietors thereof in a fair  
 proportion, according to their respective rights to the said  
 property and fishing and hunting rights, and for other pur-  
 poses; Therefore, Her Majesty, by and with the advice and  
 consent of the Legislature of Quebec, enacts as follows:

1. The said proprietors, together with all other persons who may become shareholders, will constitute and be a body politic and corporate, under the name of "La Compagnie de la Pêche aux Marsouins de la Rivière Ouelle," and as such shall have an uninterrupted succession, may have a common seal, and may sue and be sued, and do and execute all acts whatsoever relating to the general administration of their business, and all that it may be necessary and lawful to do and execute.

Certain persons incorporated.

2. The capital stock of the company will be seven thousand two hundred dollars, and shall be divided in as many shares of one dollar each; the said shares shall be transferable, subject to the conditions of this act, and allotted and assigned as follows:

Capital stock and division thereof.

1. To Clement Gagnon, nine hundred shares. ....	900
2. To Philippe Gagnon, six hundred and thirty shares.....	630
3. To Madame Georgiana Morisson, widow of the late Pierre François Casgrain, three hundred shares.....	300
4. To Madame Eulalie Aubu, widow of the late Olivier Gagnon, four hundred and fifty shares..	450
5. To Madame widow Bénoni Dancosse, one hundred and twenty shares.....	120
6. To the Honorable Luc Letellier de St. Just, three hundred shares.....	300
7. To Charles Letellier de St. Just, Esquire, three hundred shares..	300
8. To Ludger Têtu, Esquire, physician, three hundred shares.....	300
9. To Benjamin Dionne, Esquire, trader, one hundred and fifty shares.....	150
10. To Thomas Michaud, Esquire, physician, one hundred and fifty shares.....	150
11. To Charles Clement Casgrain, fifteen hundred shares .....	1,500
12. To the said Ludger Têtu, Esquire, five hundred shares .....	500
13. To Luc Richard, one hundred and thirty-five shares.....	135
14. To François Caron, eighty-five shares.....	85
15. To Joseph Dionne, eighty-five shares.....	85
16. To Antoine Dionne, forty-two shares.....	42
17. To Charles Levesque, forty-two shares.....	42
18. To Joseph Pelletier, forty-two shares.....	42
19. To Thomas Levesque, forty-two shares.....	42
20. To Joseph Levesque, forty-two shares.....	42
21. To Michel Dionne, twenty-one shares.....	21
22. To Alexander Dionne, twelve shares.....	12



23. To Maurice Dionne, nine shares.....	9
24. To Octave Dionne, forty-two shares.....	42
25. To Honoré St. Onge, two hundred and twenty-five shares.....	225
26. To François Pelletier, son of Esther, twenty-eight shares.....	28
27. To Michel Gagnon, five shares.....	5
28. To the persons hereafter designated, and under the conditions provided by the present act, the balance of said shares, to wit: seven hundred and forty-three shares.....	748
Total.....	7,200

Provisional  
directors.

**3.** The Honorable Luc Letellier de St. Just, Ludger Têtu, Esquire, and Messrs. Charles Clément Casgrain, Clément Gagnon, Philippe Gagnon and Luc Richard shall be and are hereby declared to be the board of directors of the said company; and the said Honorable Luc Letellier de St. Just shall be chairman, and the said board will remain in office for two years from the passing of this act, and until the election of other directors, by the shareholders of said company, as provided by this act and the by-laws of the said corporation.

Power to make,  
alter, &c., by-  
laws for cer-  
tain purposes.

**4.** The said board shall, at its first meeting, and from time to time thereafter, make such rules, regulations and by-laws, as may be necessary for the proper and better management and government of the affairs and business generally of the said corporation, and for the guidance and government of the shareholders, and as to the mode of conducting the elections of the chairman and members of the board, and the appointment of other officers of the said corporation, and likewise to establish the time and place where such election shall take place, and with power by such by-laws to impose such fine not exceeding the sum of five dollars for every infraction of the same, which rules, regulations and by-laws shall be approved by a majority of the shareholders present at a meeting convened for that purpose in conformity with the by-law regulating the mode of convening meetings of shareholders. All rules, regulations and by-laws when approved, shall be recorded in a register to be kept by the secretary, and a copy certified by such secretary shall be *prima facie* evidence of the contents thereof in all courts of justice. The board appointed by this act or hereafter to be elected shall have full power and authority to amend, alter or repeal, any rules, regulations or by-laws, by a majority of such board subject to the approval of a majority of the shareholders present at a meeting to be convened as aforesaid.

canceled

**5.** If the chairman or any one of the directors die, resign

or become incapacitated, or if he cease to possess, in his name, or in that of his wife or his children, forty shares in the stock of the said company, such chairman or director may be replaced by an election held and called to this effect, at the request of any of the members of the board of directors in conformity with the by-laws of the corporation; and the person thus elected, shall serve only for the period during which the person he replaces would have served.

among directors how filled.

6. These elections will be carried by a majority of the votes of shareholders present at such meetings, or voting by proxy, and each shareholder shall be entitled to one vote for every share he possesses.

Voting.

7. There shall be a meeting of the board of directors without the requisite notices, every Monday of the months of April and May, and on the first and second Mondays of December in every year. There shall also be, every year, on the first and second Mondays of May and December, without notices being given, a general meeting of shareholders of the company, at the principal office of said company, at ten of the clock in the forenoon; and when the meetings of the shareholders and those of the directors will be on the same day, the meetings of the directors will not be opened before the general meeting of the shareholders shall have been held, if such general meeting be held.

Meetings of directors.

Meetings of shareholders.

8. Nothing in this act contained shall affect the existing fishing and farming leases of any property mentioned in this act, or part thereof, which shall remain in force for the time for which they were given; but the farm and other rents, will be paid to the company.

Present fishing and farming leases not affected; but rents payable to company.

9. The said property and buildings thereon erected, and the appurtenances thereto belonging and all the plant appertaining to the same, at the time of the passing of this act, shall, from that time be the property, in full ownership and perpetually of said company, in consideration of the allotment made and to be made by this act, and which allotment shall be considered as paid up capital.

Property to belong to the Company.

10. The said company will exercise all privileges, rights to and actions of whatever nature they may be, actually belonging to the said co-proprietors of said property and hunting and fishing rights as co-proprietors of the same; and shall have a right of action for the recovery of the same in any court of justice having jurisdiction in this province.

Company to have all proprietary rights.

11. Immediately, after the passing of this act, the chairman and directors of the company shall open a book of shares in which they shall enter: 1st the shares specified in the second section of this act, (excepting nevertheless those mentioned in the twenty-eighth enumeration of shares) and shall place them to the credit of those to whom they are allotted; and they shall continue to enter into the said

Book of shares and entries therein.

book, the shares of those persons who shall hereafter be declared to have a right to the balance of seven hundred and forty-three shares remaining to be distributed in virtue of the following provisions.

How balance  
of shares shall  
be distributed.

12. In order to enable the chairman and directors to ascertain to whom they shall distribute the said balance of seven hundred and forty-three shares; any person having, or claiming to have a right in the said balance of seven hundred and forty-three shares, in proportion to his interest in the said property, and rights thereto attached, shall have to exhibit and produce to the chairman of the said company, his titles to the said rights, or in default of titles, a statement of facts to support his pretensions to the said rights, before the first day of May, one thousand eight hundred and seventy-two, under pain of forfeiture. But those prevented from claiming their share of the said balance, from any legal disability, shall not be so affected.

All claims to  
be deposited  
within a cer-  
tain time.

13. During the fifteen days, from the first day of May, one thousand eight hundred and seventy-two, all opposition to claims, titles, statements of facts mentioned in the preceding clause of this act, shall be produced to and deposited with the said chairman or the secretary.

Chairman and  
directors shall  
hear and de-  
cide upon  
claims as  
*amicables*  
*compositeurs*

14. As soon as the chairman and directors will have received the said titles, claims, statements of facts, and the said oppositions, as also those mentioned in the seventeenth clause hereunder, they may, in their discretion, with or without further examination, declare valid those titles which shall serve as the foundation of uncontested claims; but, as to titles, claims, statements of facts, and oppositions contested and others, they shall be decided by the chairman and directors, or the majority of them, in the capacity of arbitrators and *amicables compositeurs* and for these purposes they, or a majority of them, will meet on the first Monday of the month of June in each year, at ten of the clock in the forenoon, at their principal office, in the building erected on the said property, and then and there, after having heard the parties and their witnesses under oath to be administered by the chairman or any one of the said directors, and their evidence shall be reduced to writing, and after having examined their claims, titles, statements of facts and oppositions, shall adjudicate upon the whole, or upon as much as possible on that day, and shall continue or adjourn such hearing and adjudication, and afterwards deliver their judgment upon each particular case, according to the decision of the majority of members present of said board, who may have heard the case, and such decision shall be recorded by the secretary in a register to be kept for that purpose, signed by the chairman and secretary, and copies of such entries in the register, certified by the secretary, shall be *prima facie* evidence of their contents in

15. The interested parties shall have a right of appeal from the judgment in each of these particular cases, before the superior court sitting at Kamouraska, whose judgment in appeal shall be final. The appeal or appeals shall have to be instituted during the fifteen days following the judgment of the board : as to other judgments against which the interested parties shall not have appealed as aforesaid, they shall be considered and be obligatory between all interested parties. Appeal from their decision.

16. As soon as the delay has expired, it shall be the duty of the chairman and directors, to enter or cause to be entered on the stock book of the said company, the names of the persons in favor of whom they have adjudicated, and it shall be their duty, at the same time, to allot to each of these persons, on the said stock book, the exact proportion to which each shall have been declared to have a right, in the said balance of seven hundred and forty-three shares of the said corporation. The allotment of the said balance being made in proportion to the rights which each possesses in the said property, and rights with the other co-proprietors thereof. But in each particular case appealed from, the chairman and directors shall await until the final judgment in appeal shall have been signified to them, to enter on the said stock book the names of the persons, who, by the said judgment, have been recognized as co-proprietors of a portion of the said property and rights ; then it shall be the duty of the said chairman to assign to each of the persons thus recognized by the judgment in appeal, the portion allotted to each, in the said balance of shares as in other cases provided by this section. Names to be entered in stock book according to decision of directors or judgment in appeal.

17. The whole of the balance remaining of seven hundred and forty-three shares which it is not possible to distribute or assign by default of proof or sufficient titles, in the time prescribed by this act, shall be assigned in shares, to the credit of the said corporation, and form part of its general funds, and these last shares shall be set apart by the said corporation, to be subsequently distributed and assigned, if such cases do arise, between those persons, who, from legal incapacity have been prevented from establishing their titles within the delays mentioned in this act. Any portion of the balance which could not be distributed shall form part of general funds.

But any such person thus prevented by the aforesaid causes, shall have a right, during the twelve months after such disability shall have ceased, but not later, under pain of forfeiture, to present to the chairman of said corporation his titles with a requisition (*requête libellée*) specifying the reasons and facts upon which are grounded his claims to a portion of shares in the said balance ; and for the decision and adjudication of these last claims, the foregoing provisions of the present act shall apply. But claimants may still apply during a certain time.

18. It shall be the duty of the chairman and directors, Trusts to be

mentioned in  
share certifi-  
cates.

should it appear that persons now actually possess or hereafter become possessed in trust of shares in the said property and rights, to mention the same in the certificates of their shares, and in the stock book, in order that the conditions of trust affecting any portion of said property, may also affect equally the shares representing the same.

Rights of cer-  
tain persons to  
one-tenth of  
the porpoise  
oil continued.

**19.** The present act shall not affect the rights of the Honorable Luc Letellier de St. Just, and of Charles Eugène Panet, of the city of Quebec, esquire, coroner, as representatives of the late Madame Louise Geneviève de Ramezay, widow of the late Louis Deschamps de Boishébert, seignior of LaBouteillerie and River Ouelle, to the tenth part of the oils produced annually by the said porpoise fishery; and henceforth, this tenth part of the said oils, instead of being furnished to them by the said co-proprietors, shall be furnished by the said corporation, in accordance with the titles now existing, stipulated therein, which shall neither be increased or diminished by the provisions of this act.

Penalty for  
contraventions  
of this act.

**20.** If any person, who shall be lawfully called upon to perform any duty under this act, shall refuse to perform such duty, or shall, in any manner, contravene the provisions of this act, he shall incur, for every such offence, whether of commission or omission, a penalty not exceeding five dollars.

Recovery of  
penalties, &c.,  
due under this  
act.

**21.** All fines and penalties imposed by this act, as well as by any by-laws or regulations which may be made or passed in conformity with this act, and all sums due or which may become due to the said corporation, shall be recoverable on prosecution by the said corporation, or by any party interested, as the case may be, before any of the courts having civil jurisdiction in this province, which shall have power to hear and try the same; and all fines and penalties shall be paid to the said corporation, and shall become part of its general funds.

Directors shall  
not sell or  
mortgage pro-  
perty without  
approval of  
shareholders.

**22.** The chairman and directors shall have no right to sell, mortgage nor licitate the said property or rights, and any rule, resolution, or by-law passed by them to this effect, shall be valid only if such rule, resolution or by-law be approved in general meeting by the shareholders of the said corporation possessing the majority of shares in the said corporation, otherwise such sale, mortgage or licitation shall be null and of no effect.

## CAP. XLV.

An Act to amend the act incorporating the Montreal City Passenger Railway Company.

[Assented to 24th December, 1870.]

**W**HEREAS the Montreal City Passenger Railway Company of Montreal, has, by petition, represented that divers improved methods of propelling vehicles for the transport of passengers, have been discovered, of which the said company desires to avail itself in the interest of the public, and for the furtherance of its business, and has prayed for authority to use such improved methods in the city of Montreal, and in the municipalities adjoining the same; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. It shall be lawful for the Montreal City Passenger Railway Company of Montreal to employ for the propelling of its vehicles and for the transport of passengers and their baggage, either upon rails or upon roads and streets in the city of Montreal, and in the municipalities adjoining thereto, motive power produced by steam, caloric, compressed air, or by any other means or machinery whatever; provided always, that before, however, exercising the said power in any street in the said city, the company shall obtain the sanction of the council of the said city thereto by by-law, and provided also, that after any such sanction has been given, the said council, may by a vote concurred in by an absolute majority of the entire council, revoke said sanction in whole or in part; and provided also, that previous to the passing of such by-law the said corporation may, by resolution, permit the use of such cars and traction engines for the purposes of trial only, which permission may be revoked in a like manner by resolution.

2. The said cars or traction engines shall not be allowed to run on roads in charge of the trustees of the Montreal turnpike roads without the consent of the said trustees, who shall have the power to levy such tolls for the passage of the said cars or traction engines as to them shall appear fair and reasonable, subject to the approval of the lieutenant-governor in council, and the said company shall be held liable to the said trustees for all damages that may arise either directly or indirectly, from the running of said cars or traction engines on the said turnpike roads.

3. In case any horse on the street in the city of Montreal or on the highway in any of said municipalities becomes restive at the sight or from the noise of an approaching car or engine, it shall be the duty of the conductor or engine driver

to stop the car or engine until such horse shall have passed the car or engine, or shall have been removed, and to render all reasonable assistance to the driver of such horse.

Power to increase capital.

4. The said company is hereby authorized to increase its capital stock, by the issue of new stock to the extent of three hundred thousand dollars above and beyond its present capital, making its capital to consist in all of six hundred thousand dollars, and such issue of new stock may be made in such manner and upon such terms and conditions, and in such proportion as the company may fix and determine by by-law.

## CAP. XLVI.

An Act to amend the act to incorporate the "*Société de Passage du Pont Neuf de St. Hyacinthe*," 29-30 Victoria, cap. 109.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS the said "*Société de Passage du Pont Neuf de St. Hyacinthe*," have acquired from Lewis Francis Morison, Esquire, by deed passed before Maitre H. R. Blanchard, notary, on the sixteenth day of November, eighteen hundred and sixty-nine, the exclusive privilege of exacting tolls within the limits of a portion of the privilege conferred in eighteen hundred and seventeen, by the legislature for the time being, upon Jean Marie Germain *dit* Langlois, that is to say, from and including the place actually occupied by the said *Pont neuf* to the North-east limits of the said privilege; and whereas it is necessary to amend the said act of incorporation of the said *Société de Passage* so as to meet the requirements of the said deed of cession from the said L. F. Morison to the said company, and whereas it is expedient to extend the powers already conferred upon the said company by their said act of incorporation, and to confer upon them new powers to facilitate the exercise of the said privilege; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

The company may repair or rebuild the *pont neuf* and use adjoining land to work upon.

1. The said *Société de Passage*, without in any manner waiving any of the rights acquired by it against the said L. F. Morison, esquire, under and in virtue of the deed passed before the said Mtre. Blanchard, hereinabove cited, bearing date the sixteenth day of November, eighteen hundred and sixty-nine, and subject to the requirements of the said deed, is hereby authorized and has power, at its own

cost and charges, to repair and rebuild a durable, solid and sufficient bridge, over the river Yamaska, at the north-eastern extremity of Cascade street, in the city of St. Hyacinthe, at the place where the said *Pont neuf* is actually built, but at such place only, and to maintain and reconstruct the toll-house and gate now existing with other dependencies on or near the said bridge, and also to do and execute all such other matters and things as shall be necessary, useful and advantageous for building, keeping up and maintaining the said bridge, toll-house, gate and other dependencies, according to the true intent and meaning of this act, and further the said company or its representatives shall have full power and authority to take, from time to time, and use the land upon either side of the river at the said locality, to work up or cause to be worked up thereon the materials and other things necessary for the erection, construction or repairs of the said bridge, the whole according to the conditions set forth in the act conferring the said privilege upon Jean Marie Germain *dit* Langlois.

2. The said *Société de Passage* shall be entitled at all times to have, demand, receive and take, for its own use and benefit, the bridge tolls or dues stipulated in favor of the said Jean Marie Germain, by the act fifty-seven George III., chapter thirty-seven; provided always that no person, horse, or vehicle employed in conveying any mail or letters, under the authority of Her Majesty's post office, or horses or vehicles, whether loaded or unloaded, with their drivers, accompanying Her Majesty's officers or soldiers, or militia, on their march or on service, nor the said officers or soldiers, nor any of them, nor vehicles and drivers or keepers accompanying prisoners of any kind, shall be subject to any tolls whatsoever. Travellers on vehicles engaged in the conveyance of mails shall be nevertheless subject thereto; Provided also that it shall be lawful for the said *Société de Passage*, or its representatives, to diminish the said tolls or any of them, and thereafter, if it deem the same necessary, to increase them, in such a manner that they shall in no case exceed the tolls authorized to be exacted by the act fifty-seven George III., chapter thirty-seven; Provided also that the said company posts up, or causes to be posted up, in some conspicuous place, at or near the said gate, a tariff of the fees payable for the crossing of the said bridge.

Company may  
levy the tolls  
authorized by  
57 Geo. 3, c. 37

Proviso.

Proviso.

Proviso.

3. It is further enacted that no person shall erect or cause to be erected, any bridge or bridges or open up or cause to be opened up any means of passage for the conveyance of any persons, beasts or vehicles whatsoever, for hire or reward, across the said river Yamaska, within one mile and a half above the said bridge, nor below the said bridge within the line of the old

No other  
bridge to be  
built within a  
mile and a-half  
on pain of pay-  
ment of treble  
tolls to the  
company and a  
penalty.



seignior of St. Hyacinthe, to the north of the said river. And if any person or persons shall build any bridge or bridges over the said river Yamaska, within the said limits, such person or persons shall pay to the said company, or to its representatives, if such bridge or bridges are built within the limits of its privilege, or to its representatives, if such bridge or bridges are built within the residue of the space or limits assigned to Jean Marie Germain, his heirs and representatives, three times the amount of the tolls imposed by the act fifty-seven George III, chapter thirty-seven, for the persons, beasts or vehicles, who shall pass over such bridge or bridges; and if any person or persons, at any time whatsoever pass or convey for hire or reward any person or persons, vehicle or vehicles across the said river and within the limits aforesaid, such offender or offenders shall incur and pay for each person, vehicle or animal so conveyed across, a sum not exceeding forty shillings currency; provided always that nothing contained in this act, shall be deemed to extend to deprive the public of the right of crossing the said river Yamaska within the said limits by means of a ford, or in canoes without fee or reward.

Proviso.

Penalty for passing without paying toll and for disturbing workmen, &c.

4. If any person pass by force through the said gates without paying the toll or any part thereof, or interrupts or disturbs the said *Société de passage du pont neuf de St. Hyacinthe*, or its representatives, or any person by it or them employed in building or repairing the said bridge, or in making or repairing the way over the same, or any road or avenue leading thereto, every such person shall incur for each such offence, in each of the cases aforesaid, a penalty which shall not exceed forty shillings currency.

Right to return to L. F. Morison if company does not rebuild bridge before 2 years after its demolition.

5. The said *Société de passage du pont neuf de St. Hyacinthe*, to entitle itself to the profits and advantages conferred upon it by this act, shall be obliged to reconstruct or rebuild, the bridge actually existing, within the two years next after its demolition or destruction, and in default of its so doing within the aforesaid delay, the privilege conceded to it, shall by law and according to the covenants to such effect made, be again vested in the said Lewis Francis Morison, together with all the rights and advantages thereto belonging.

Capital stock—and transfer of shares.

6. The capital of the said company shall not exceed six thousand seven hundred and fifty dollars divided into shares of fifteen dollars each, and the said shares shall be deemed personal estate and may be sold or transferred in writing by the shareholders of the said company, and any party acquiring one or several of the said shares, shall on the production of a copy of his deed of acquirement to the directors of the company, to be deposited among the records thereof, be considered as a shareholder in the

company, and shall enjoy all the privileges and advantages, conferred upon and granted by this act to the other shareholders in the company ; provided always that no person who shall acquire any shares in the said company from a director thereof, shall be entitled to be a director in the said company without having been elected as such ; provided also, that no party who shall have acquired any share shall be considered as a shareholder until he shall have produced his deed of acquirement.

7. For the purpose of determining the actual value of each share in the capital stock of the said company within the nine months next after the passing of this act, the directors in office shall value or cause to be valued by two experts, who shall before acting, be sworn before a justice of the peace, the property actually belonging to the said company and shall divide the total value thereof by the number of shareholders then forming part of the said company ; such number shall represent the total amount of the shares, and the sum realized by such division shall establish the actual value of each share and shall represent the amount paid up to such day, by each shareholder for his quota.

Property to be valued and value considered as paid up capital.

8. The following words, that is to say : "one in St. Hugues, one in St. Simon, one in Ste. Rosalie, one in St. Hyacinthe le Confesseur, one in the City of St. Hyacinthe and two in St. Dominique," are added at the end of section four of the said act.

Sec. 4 of 29. 30 V., c. 109 amended.

9. Sections five, six and seven of the said act are repealed, and the three following are substituted therefor.

Secs. 5, 6 and 7 of said act repealed.

10. A general meeting of the shareholders of the company, shall be held annually, on the first Monday of the month of June, or on the following day if such day is non-judicial, in any house or place whatsoever in the city of St. Hyacinthe, mentioned in the notice summoning such meeting, to choose and elect other directors in the place and stead of those going out of office, and also to transact the business of the company, to modify, amend, alter, repeal or extend the by-laws, rules and regulations of the company or to substitute others in lieu thereof, which said meeting shall be called by public notice, given in the manner and at the time hereinafter set forth ; and all such meetings shall be presided over by a chairman chosen by the majority of the votes of the meeting ; and the secretary-treasurer shall act as secretary at all meetings, and the directors going out of office may be re-elected, as may also the president, and after each election of directors, the said directors shall proceed to elect their chairman, for their term of office.

General annual meetings of shareholders : Proceedings thereof.

11. The board of management of the said company shall be composed of seven directors, one of whom shall be elect-

Board of seven directors.

- President.** ed president for the current year by the majority of votes of the directors, each of whom shall have a vote, and the
- Sec.-Treasurer.** directors shall also appoint a secretary-treasurer, who shall not be a director, and they may require good and sufficient security to their satisfaction from the said secretary-treasurer, whom it shall be lawful for them to remove at their will and pleasure. The directors so appointed, three of whom,
- Quorum.** including the president, shall form a quorum, shall exercise
- Proviso.** all the powers vested in them; provided always that no director shall have more than one vote at the meeting of the directors, and in case of an equal division of votes, the
- Proviso.** president shall have the casting vote; and provided also that the directors shall conform to the orders and directions given to them by the shareholders at the general or special meetings of the shareholders in conformity with the rules and regulations of the company.
- Failure to elect directors provided for.** **10.** Any failure to hold such annual meeting in the month of June in each year, or any other meeting, or to elect such directors or president, shall not dissolve the said company, but such failure or omission may be supplied by any special meeting to be called as the directors in conformity with the by-laws and regulations of the said company, may see fit to appoint, and until such election of new directors, those who may be in office for the time being, shall be and continue in office, and exercise all the powers thereof until
- Proviso.** such new election be made as hereinbefore provided; provided always that it shall be lawful at all times for any six of the shareholders of the company, if they shall deem it necessary and expedient, to call a special meeting of all the shareholders, at some house or place in the City of St. Hyacinthe, to be designated by the person or persons who shall call the meeting, after having given public notice thereof in the manner, and at the time hereinafter prescribed, and such meeting shall proceed to transact the business for which it shall have been called, in the same manner as at the annual meeting.
- Sec. 9 of 29, 30 V., c. 109 repealed. Calling in instalments.** **11.** Section nine of the said act is repealed and the following substituted therefor:
- 9.** It shall be lawful for the directors to meet at their good will and pleasure, and at such meeting, to direct such payments to be made, or the shares, as they shall require in order to meet the expenses of the said company, by payments or instalments which shall not exceed two dollars for each share, at an interval of three months one from the other, and no payment or instalment shall be exacted unless public notice thereof has been given in the manner and at the time hereinafter prescribed, and such payments shall be paid into the hand of the secretary-treasurer, at such times and places as shall be ordered by the directors. In the event of any of the said instalments not having been

made in the manner prescribed, it shall be lawful for the president of the company, in the name of the said company to sue all those who shall not have paid such instalments, before any court of competent jurisdiction, and to institute all such legal proceedings as shall be necessary to secure the payment of all sums due to the company.

14. All persons who are set forth as such on the list of shareholders annexed to the deed hereinbefore cited, between Lewis Francis Morison, esquire, and the said company, and who have conformed and shall conform to the requirements of this act, and to the rules and regulations of the said company, provided always that the number thereof does not exceed four hundred and fifty, shall be deemed to be shareholders of the said company.

Who shall be deemed shareholders.

15. Within one month from the date of the passing of this act, the directors shall open a stock-book, which shall contain the names, surnames and residence of each shareholder, the number of his shares and the amount paid on each share, and they shall cause the said stock-book to be signed by each shareholder in the capital stock of the said company and each such name shall be so entered in the said book by the said shareholder himself in respect of the number of his shares, or in the same place by any person lawfully authorized to do so by any such shareholder.

Stock-book, and entries therein.

16. Any person entitled to be enrolled in the said stock-book, who shall neglect or refuse to sign or cause to be signed as aforesaid his name in the stock book, within twelve months from the date of the opening thereof if such person is domiciled in the province of Quebec, and within eighteen months if such person is absent from the province, shall be deprived of all his rights as a shareholder and shall be deemed to have abandoned his share in the said company, and every person who shall sign the said stock-book or cause the same to be signed for him, shall be entitled to a certificate establishing the fact, and such certificate shall confer upon him the right of passage over the said bridge.

Shareholders to forfeit their shares unless they sign the stock-book within a certain delay.

17. The directors shall have the right to refuse such certificate to those shareholders of the said *Société de Passage* who are actually in arrears in respect of the last call ordered by the directors for the purpose of effecting the completion of the bridge actually existing, and the said shareholders, who shall have neglected or refused to pay such arrears, shall not be entitled to pass free over the said bridge, until they shall have paid the same.

Certificate to be given.

Certificate may be withheld from shareholders in arrears.

18. Every public notice required by the said act of incorporation and by this act to convene meetings for the election of directors, special meetings or for any other purpose whatsoever, shall be published at least twice during one week, in any newspaper published in the French language in the city of St. Hyacinthe

How public notices shall be published.

Notice of calls on shares to be mailed to each shareholder.

19. Whenever the directors shall have ordered an instalment on the shares, the secretary-treasurer, in addition to the public notice hereinabove set forth, shall transmit to each shareholder through the post a circular signed by himself, acquainting such shareholder with the decision of the directors and enjoining him to pay such instalment, within the delay fixed by the directors for such purpose, the shareholders shall pay the postage of such circular and it shall be sufficient for all legal purposes whatsoever to establish that the same was deposited in the post office of St. Hyacinthe and addressed to him.

Company may sell forfeited shares.

20. It shall be lawful for the said company to dispose, by sale, or otherwise, of all shares remaining unclaimed by reason of any forfeiture incurred by any shareholder or otherwise.

This act to form part of 29, 30 V., c. 109; inconsistent provisions repealed.

21. This act shall be deemed to form part of the act twenty-ninth and thirtieth Victoria, chapter one hundred and nine; and all the provisions of the act hereinbefore cited, which are inconsistent with the provisions of this act, are hereby repealed.

## CAP. XLVII.

### An Act to incorporate the Seminary of St. Germain de Rimouski.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS the Roman Catholic Episcopal Corporation of St. Germain de Rimouski, represented by His Lordship Jean Langevin, Bishop of St. Germain de Rimouski, has prayed for the incorporation of the college or seminary now in existence for several years in the town of St. Germain de Rimouski;

And whereas the said lord bishop, in his own name, has given notice of his intention to endow the said seminary with a certain lot of land which he has acquired for that purpose; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Superior, directors and professors incorporated.

1. From and after the date of the passing of the present act, the superior, the directors and the professors of the said college or seminary, named from time to time by the roman catholic bishop of St. Germain de Rimouski, shall be and are hereby constituted a corporation or body politic and corporate under the name of the "seminary of St. Germain de Rimouski."

Council to be composed.

2. The affairs of the said corporation shall be administered by a council. This council shall be composed of not

more than seven, and not less than three persons to be chosen from the members of the said corporation. It shall consist, at first, of the superior and the two directors, known as the "*Directeur du Grand Séminaire et Directeur du Petit Séminaire*"; other members, to complete the said number, may, with the consent of the said bishop, be elected by the said superior and directors. The members of the said council shall continue to form part thereof until their death, resignation or exclusion decreed according to the rules of the said seminary, approved by the said bishop; and the quorum of the said council shall not be less than three members. Quorum of council.

3. The said corporation shall possess a common seal, Common seal. which it may alter, from time to time by a resolution approved by the said bishop.

4. The said corporation, shall have full and entire power Power to make by-laws. to make such rules, resolutions, by-laws or statutes, not contrary to law, which it may deem advisable to make and pass for the management of the affairs of the said corporation and the promotion of its interests, and the quorum of the said corporation shall not be less than five members. Quorum of corporation.

5. All such resolutions, rules, by-laws or statutes of the said corporation shall be adopted by a majority of the votes of the members present—the member presiding not to vote except in the case of an equal division of votes—entered in a register *ad hoc*, and signed by the superior, or, in his absence, by his assistant, or by the oldest director present, as president. Such resolutions, rules, by-laws and statutes shall be subject to the *veto* of the said bishop Veto of Bishop. during one year dating from the day upon which they shall have been communicated to him.

6. The said corporation may, after deliberation, appoint Power to name a Procureur an attorney (*Procureur*) for the proper administration of the affairs of the said seminary, in accordance with a by-law approved by the said bishop. It may receive legacies, gifts and special bequests or endowments. It may also Power to acquire property. purchase acquire, hold, possess, exchange, sell, accept and receive real estate for the education of youth and the use, maintenance and generally the ends of the said corporation, and all constituted or other rents; and it may sell and alienate the same, and acquire others in virtue of any title whatsoever—provided always that the real estate, held for the purposes of revenue by the said corporation, shall not exceed in annual value the sum of ten thousand dollars—and provided always that should the same from Proviso. any cause exceed the said sum in annual value—then and in such case, the said corporation shall, in so far as the same exceeds the said sum, dispose of the same within twelve months.

7. The said corporation shall make annual returns to Annual returns

to be made to  
Legislature.

the lieutenant-governor and to the two branches of the legislature, showing the condition of the corporation, which said returns shall be presented within the first twenty days of each session of the legislature.

## CAP. XLVIII.

### An Act respecting "Bishop's College."

[Assented to 24th December, 1870.]

Preamble.

**W**HEREAS the corporation of "Bishop's College" have, by their petition, prayed for legislative provisions whereby the Diocesan Synods of the United Church of England and Ireland in this province may be enabled to participate in the management and government of the said college, and it is expedient to grant the said prayer, in so far and in such manner as may be done consistently with the royal charter of the said college; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Trustees and  
members to be  
named from  
amongst cer-  
tain persons.

**1.** Such trustees and members of the college as may hereafter, under the acts establishing the corporation of "Bishop's College," be named by the bishops constituting the first branch of the said corporation, shall be so named from among the following persons, that is to say: five trustees and five members of council from among a greater number of persons chosen for that purpose by the synod of the diocese of Quebec; the same number of trustees and members of council from among a greater number of persons so chosen by the synod of Montreal; a like number of trustees and members of council, for every other diocese of the United Church of England and Ireland, which may hereafter be constituted in this province, from among a greater number of persons chosen for that purpose by the Synod of such other diocese, and the remainder of the trustees and members of council from among such other members of the said United Church of England and Ireland as the said bishops may deem fit; the number of such remainder to be in the proportion of three trustees and three members of council for every five named by every synod,

Nomination for  
3 years only.

**2.** The said trustees and members of council shall be so named for a period of three years only, but after that time may be again chosen or named as aforesaid.

Annual report  
to synods.

**3.** The said college shall lay before each of the said synods annually a report exhibiting the financial and educational condition of the institution.

## CAP. XLIX.

An Act to amend the Act 20th Victoria, Chapter 185, intituled : "An Act to incorporate a Grammar School at Frelighsburg, to be called "The Frelighsburg Grammar School."

[Assented to 24th December, 1870.]

**W**HEREAS the Reverend James B. Davidson, M.A., the Preamble.  
Reverend William Scales, William Mead Pattison, Oren B. Kemp, and Ambrose S. Spencer, in their capacities of trustees of the Frelighsburg Grammar School, have, by their petition, represented that in and by the last will and testament of the late Richard Van Vleit Freligh, in his lifetime of the said village of Frelighsburg, esquire, deceased, made at Frelighsburg aforesaid, before Richard Dickinson, notary public and witnesses, the twentieth day of November, eighteen hundred and forty-nine, it was provided, that should Jane Freligh, his daughter, die without leaving any lawful issue of her body, then and in such case the said testator did thereby give, devise and bequeath the reversion of his property, both real and personal, movable and immovable from and after the decease of the said Jane Freligh, in trust unto John Brush Seymour, his heirs and assigns forever, to apply the rents and revenues of the said real and personal property to the tuition and advancement of learning in the aforesaid village of Frelighsburg, wherein a Grammar School shall be established, the preceptor of which school shall be competent to instruct the scholars of the said school to be established as aforesaid, in the Greek and Latin languages, and to and for no other use, intent or purpose whatsoever; that under the provisions of the act above recited, the Frelighsburg Grammar School has been established with the consent of the said Jane Freligh, who petitioned for the same, but that the said Jane Freligh, being then alive, no provision was therein made to enable the said Frelighsburg Grammar School to take advantage of the bequest so made by the said testator; that on the twenty-third September, one thousand eighteen hundred and sixty-three, the said Jane Freligh departed this life without leaving any issue of her body, and by reason thereof, the said Frelighsburg Grammar School ever since her death, has become entitled to all the residue of the estate of the said late Richard Van Vleit Freligh, save and except the dividends, arising from the Bank Stock whereof he was possessed at the time of his death, and to all rents, issues and profits arising from the property real and personal movable and immovable of the said testator for the



purposes of promoting education and learning in the said Frelighsburg Grammar School ; and that it becomes necessary to amend the act herein recited so as to authorize the said Frelighsburg Grammar School to accept the bequest aforesaid, and to derive all benefits and advantages therefrom, with power to sue and recover in all courts whatsoever, all the property, real and personal of the said testator, and all the rents, issues and profits thereof accrued since the death of the said testator, save and except what by the said will may be otherwise specially disposed of, from all persons having possession of the same, or liable to account for the same, and to prosecute all actions necessary for that purpose, and any other proceeding at law that may be necessary for the preservation of the said estate, in the same manner and to the same extent as if the said Frelighsburg Grammar School had been incorporated at the time that such will was made, and had been specially mentioned by name therein as entitled to all the advantages conferred by the aforesaid bequest ; and have prayed that the said recited act be in this and in other respects, amended ; and whereas it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Power to hold property and exercise rights under a certain will.

1. The said Frelighsburg Grammar School is hereby authorized and empowered to have, hold, possess and enjoy all the rights, privileges, benefit and advantages of the bequest contained in the last will and testament of the said late Richard Van Vleit Freligh, hereinbefore in part recited, for the purposes of promoting education and learning in the said Frelighsburg Grammar School, as contemplated by the said testator, and for that purpose, to sue and prosecute in all courts whatsoever all suits and actions at law necessary for the recovery of all the rents, issues and profits accrued from the property, real and personal of the said testator, since the death of the said testator, save and except what by the said will may be otherwise specially disposed of, from all persons having possession of the same, or liable to account therefor, and to prosecute all such actions to account, and every other proceeding at law that may be necessary for the preservation or recovery of the said estate, in the same manner and to the same extent as if the said Frelighsburg Grammar School had been specially mentioned by name in the said bequest as entitled to the same.

Power to obtain removal of future trustees and to act in their places.

2. The said Frelighsburg Grammar School is also empowered to adopt any proceedings at law that may be necessary to remove any trustee or trustees who now acts or may hereafter act as such trustee or trustees under said

will, if any be substituted in the place of the present trustee, from his or their office of trustee or trustees under said will should sufficient cause arise or have arisen therefor as recognized by law, and in the event of such removal, the said Frelighsburg Grammar School is hereby authorized and empowered to take possession of the said estate so bequeathed in trust, in the same manner as if the same had been directly bequeathed in the said will to the said Frelighsburg Grammar School, and for that purpose to institute all actions at law that may be necessary for the recovery of the same, and all the rents issues and profits accrued thereon since the death of the said testator, save and except what by the said will may have otherwise been specially disposed of.

3. Nothing in this act contained shall in any way affect any rights Ebenezer Marvin, of the village of Frelighsburg, may have under the last will of the said Jane Freligh, or otherwise as representing her, or as representing the said late Richard Van Vleit Freligh, if any such right by law exists, either as regards any actions brought, or to be brought, in the premises, within the period of two years from the passing of this act, and as regards any such actions, suits, remedies or recourse, begun or hereafter to be commenced, within the periods aforesaid, by the said Ebenezer Marvin or his representatives, this act shall be deemed not to affect or apply in any way; provided also, that nothing in this act contained shall affect the rights of any party or parties, if any have lawfully accrued, provided that such rights are enforced by action at law within the period aforesaid and not afterwards, nor shall this act affect any suit or suits now pending before the courts wherein the said estate is concerned. Rights of Eb. Marvin saved.

4. The said Frelighsburg Grammar School is authorized and empowered to hold any property, real and personal that it may acquire by donation, will or otherwise, and such real property to hypothecate, sell and otherwise dispose of, and to apply the proceeds thereof to the purposes of the said Frelighsburg Grammar School; provided always if the said Frelighsburg Grammar School shall become possessed of real estate exceeding the annual value of four thousand dollars, it shall be bound to sell such surplus property within five years from the acquisition of the same, and invest the proceeds thereof in public securities of the Province, stocks of chartered banks, mortgages, or other approved securities for the use of the said Frelighsburg Grammar School. General power to hold property.

5. The lieutenant-governor of this province shall possess and exercise all the powers vested by the third section of the act hereby amended in the then governor of the province of Canada. 20 v., c. 185 amended.

Trustees to be competent witnesses in certain suits.

6. Any Trustee of the said Frelighsburg Grammar School shall be a competent witness in any action, suit or proceeding brought by it, or adopted by it, or in which it may be interested.

Trustees to account annually to the corporation.

7. The present trustee of the estate of the said Richard Van Vleit Freligh and any other trustee who may hereafter act as such, shall, subject to the foregoing provisions of this act and especially subject to the conditions and provisions contained in section three of this act, be obliged to render semi-annually to the corporation of the said Frelighsburg Grammar School on the first days of January and July in each year an account of his administration of the said estate so bequeathed, and to pay over to the said corporation semi-annually as aforesaid the balance in hand of all the rents, issues and profits of the said estate received by him as such trustee.

Corporation to furnish annual statement to Legislature.

8. The said Frelighsburg Grammar School shall be bound to make a return annually to the legislature containing a general statement of its affairs within the first twenty days of each session of the legislature.

## C A P. L.

### An Act to incorporate the Fraser Institute.

[Assented to 24th December, 1870.]

#### Preamble.

WHEREAS the late Hugh Fraser, in his lifetime of the city of Montreal, merchant, by his last will and testament made, bearing date, and executed at Montreal aforesaid, the twenty-third day of April, one thousand eight hundred and seventy, before John C. Griffin and colleague, notaries public, expressed the desire, to cause to be established in Montreal aforesaid, an institution to be called "The Fraser Institute," to be composed of a free public library, museum and gallery, to be open to all honest and respectable persons whomsoever of every rank in life without distinction, and that a charter or act of incorporation should be obtained for the purpose intended by him, namely, for the diffusion of useful knowledge, by affording free access to all desiring it, to books, to scientific objects and to works of art, making always the acquisition and maintenance of a library the leading object to be kept in view; and that he desired in and by the said last will, that three persons should be named by the Honorable John Joseph Caldwell Abbott, of Montreal, esquire, Queen's Counsel, and the Honorable Frederick William Torrance, one of the judges of the Superior Court for Lower Canada, residing in the said city of Montreal, to compose with them the first board of governors of the said "Fraser Institute."

And whereas, the said Honorable John Joseph Caldwell Abbott, and the Honorable Frederick William Torrance, have, by their petition, set forth that they have named three persons, conformably with the said will, to compose with them the first board of governors of the said "Fraser Institute," to wit: Thomas Workman, of Montreal, esquire, member of the House of Commons of Canada, Peter Redpath, of Montreal, esquire, and Alexander Molson, of Montreal, esquire, and have prayed that an act be passed authorizing the incorporation and establishment of the said institution, to be called by the said name, and to be composed and governed according to the said desire of the said late Hugh Fraser; and whereas, it is expedient to accede to the said request and grant the said charter; Now, therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The Honorable John Joseph Caldwell Abbott, the Honorable Frederick William Torrance, Thomas Workman, esquire, Peter Redpath, esquire, Alexander Molson, esquire, and their successors in office, are hereby created a body corporate and politic, at the city of Montreal, in the province of Quebec, under the name of the "Fraser Institute." Certain persons incorporated,

2. The said corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break and renew the same, as often as they shall think proper, and the said corporation may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all courts and places whatever in this province. Corporate powers.

3. The said Fraser Institute shall be administered, managed and conducted by a board of five governors, one of whom shall be the president, and the said Honorable John Joseph Caldwell Abbott shall be the first president, and shall retain that office during his life. And in case of vacancy in the said office, or in the office of governor of the said institute, the remainder of the board of governors hereby constituted, shall have power, by a vote taken in the usual manner, to appoint some person duly qualified under the said will to be governor or president of the said board, as the case may be. Board of Governors. Vacancies.

4. The said corporation shall have the right to receive, take, hold and possess all real or immovable property, and all money or movable property which may legally have been or may be hereafter given, granted, purchased, appropriated, devised, or bequeathed, in any manner whatever, for, to, or in favor of the said "Fraser Institute," for the purpose for which the said corporation is hereby created: and upon such terms and conditions not inconsistent with the purposes hereof, as the donor or testator thereof may Right to hold property.

impose, subject, nevertheless, to the restrictions hereinafter contained.

Proviso.

Provided always, that the immovable property to be held for permanent purposes by the said corporation shall not exceed, in annual value, the sum of thirty thousand dollars; and provided also, that no immovable property bequeathed to the said Fraser Institute in aid of the purposes thereof, and not intended to be permanently occupied or used by the said corporation, nor to be leased by them as a source of revenue, shall be retained by the said corporation for a longer period than five years from the acquisition thereof.

Power to sell and hypothecate.

And the said corporation shall have the power to sell and convey, let or lease the immovable property appertaining to them, and may also hypothecate any immovable property belonging to them, as security for the payment of the price of construction of any building erected thereon for their benefit, to an amount not exceeding the half of such price; and provided also that nothing in this act contained, shall in any manner whatever be invoked, construed or applied to affect, and shall in no manner whatever affect the claims of any party to any suit or action now pending before any courts of this province, respecting the will of the said late Hugh Fraser, wherein the validity of the devise and bequest in said will contained, is or can be put in question, and any such action shall be adjudged and determined in any court as if this act had not been passed; and moreover

Actions pending and rights of heirs Fraser not to be affected.

this act shall not affect any action which the heirs of the said late Hugh Fraser may institute within two years after the passing of this act, to set aside said will or any part thereof founded upon the alleged incapacity of the said testator or any other legal cause of nullity of said will or any part thereof; and the executors and fiduciary legatees of the said will, shall not be authorized to alienate, convey or transfer, nor shall the trustees therein named, be in any manner whatever authorized to receive any part of the estate of the said Hugh Fraser, for the objects hereinabove mentioned, nor shall any of the powers, rights, privileges or authority hereby conferred take effect or be acted upon in any manner whatever in respect of the aforesaid devise and bequest, until the said suits shall be finally adjudicated in the court of last resort, irrespectively of the dispositions in this act contained; provided also, that nothing in this act contained shall be construed to deprive any heir, being a minor or absent from the country, from the right of contesting, within liberal delays, the validity of said will, the said executors and fiduciary legatees being declared not accountable for all they may have done *bonâ fide* in conformity with this act.

Purposes of the corporation.

5. The intents and purposes for which the said corporation is hereby created, are declared to be:

The establishment, under the corporate name aforesaid, at Montreal, in Canada, of an institution to be called by the name aforesaid, to be composed of a free public library, museum and gallery, to be open to all honest and respectable persons whomsoever, of every rank in life without distinction, and without pay or reward of any kind, but subject to such rules and regulations as may be made by the board of governors thereof, from time to time, for the preservation of the books and other matters and articles therein, and for the maintenance of order, the intention being to aid in the diffusion of useful knowledge by affording free access, to all desirous of it, to books and to scientific objects and subjects, and to works of art, and for that purpose to erect appropriate buildings, and to procure books, scientific objects and subjects, and works of art, making always the acquisition and maintenance of a library the leading object to be kept in view.

6. The said corporation may make by-laws, rules and regulations for the preservation of the books and other matters and articles appertaining to the said corporation, for the appointment and removal, from time to time, of the subordinate officers thereof, for the imposition of a fine upon any person wantonly or wilfully defacing, injuring or destroying any books or thing belonging to the said corporation entrusted to them, or temporarily in their possession, or under their control, or within the premises of the said corporation; such fine, however, not to exceed the sum of ten dollars, and to be without prejudice to the right of action of the corporation as proprietor of such book or thing, and for the maintenance of order in the premises of the said corporation, for the management generally of the business of the said corporation, and for the qualification and election of the governors thereof, and such by-laws, rules and regulations, not being contrary to law or to the provisions of this act, or to the conditions of the said will, shall have the same force and effect, as if they were embodied in this act, and copies thereof duly certified under the hand of the president and secretary, and the seal of the corporation shall be received as evidence thereof in all courts of justice in this province.

Power to make  
by-laws for  
certain pur-  
poses.

The said corporation may, from time to time, invest any surplus funds or moneys appertaining thereto, either upon public securities, including the stock or bonds of the city of Montreal, or upon mortgages or hypothecs upon immovable property; but the provisions hereof shall not prevent them from accepting and taking personal security in addition to the security hereinbefore provided for.

Power to invest  
in certain secu-  
rities.

7. In the event of the Protestant board of school commissioners of the city of Montreal being willing to contribute to the support of the said "Fraser Institute," it shall be

Agreement  
may be made  
with Protestant  
board of school

commissioners. competent for the said board and for the board of governors of the said institute to agree, that so soon, after the said contributions shall be made, as a vacancy shall occur in the said board of governors, such vacancy shall be filled by selection by the said board of governors, from among the persons composing the said board of Protestant school commissioners, and the person so selected shall continue to hold office as governor of the said "Fraser Institute," so long as the said contribution shall continue, but shall cease to hold such office so soon as such contribution shall terminate.

### C A P. L I.

An Act to incorporate the "Montreal Medical Institute."

[Assented to 24th December, 1870.]

Preamble.

WHEREAS Philémon Laberge, B. Fagnant, Charles Filiatrault, Gasp. Archambault, N. Papin, O. Camirant, J. H. Larocque, A. Mathieu, E. Lalonde, A. Germain, and others, all members of the Medical Institute of Montreal, have, by petition presented to the legislature of this province, set forth that there exists in the said city of Montreal a literary and scientific society known as the "Medical Institute of Montreal," founded with the object of cultivating science and literature, and especially of ensuring to its members advancement in the sciences of medicine and surgery, by regulating their exertions, and providing them with the means of mutual instruction, through a common course of study and the discussion of scientific subjects, by lectures, public classes and other methods of education; and whereas, the said society cannot fully attain the objects thereof without enjoying all the benefits and privileges of corporate bodies, and more particularly the right of possessing real and personal estate, of passing by-laws for the management of its property, of regulating the scientific and literary studies, and the terms of admission and exclusion of its members, and of determining the rights and privileges which shall be coupled with the quality of member of the said institute; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons incorporated.

1. Philémon Laberge, B. Fagnant, Chas. Filiatrault, G. Archambault, N. Papin, O. Camirant, J. H. Larocque, A. Mathieu, E. Lalonde, A. Germain, C. Legris, V. Gosselin, J. Lacombe, J. O. Mousseau, L. Grenier, F. Gatién, H. Primeau, U. Pelletier, G. Cartier, E. Lesage, J. Bédard, J. LeDuc, O. Lamoureux, J. Martel, J. Dufour, with all such

other persons who do now form part of the said society, and whose names are actually entered as such in the registers of the said society, together with all other persons who may hereafter become members thereof, by their admission as such into the said society, in the manner provided by its by-laws, shall be and they are hereby constituted a body politic and corporate, under the name of "The Medical Institute of Montreal," and as such shall enjoy all the privileges, rights, and immunities appertaining unto bodies politic and corporate.

2. 1. The said society shall be composed of active members, honorary members and corresponding members; Corporation to be composed of:

2. For any person to be an active member he must reside within the province of Quebec, be a physician, or articulated for the study of medicine and surgery; Active members,

3. For any person to be a corresponding member, he must reside out of Canada, and have been a practising physician for at least ten years; but every active member who shall settle in a foreign country, shall be *de jure* a corresponding member of the said institute. In like manner every corresponding member shall be *de jure* an active member, so soon as he shall have established his domicile within the limits of the province; Corresponding members,

4. The honorary members shall be elected exclusively from among the medical profession. Their number shall be limited to twenty. Honorary members.

3. The said institute shall be administered and governed by a board of directors and a committee of management, constituted and elected in the manner and according to the rules prescribed by the constitution and the by-laws of the association, and they shall possess all the powers and functions consistent with this act, and with the law, which are or shall be conferred upon them by the said constitution. Board of directors.

4. The existing constitution of the said institute and the by-laws thereof actually in force, with the exception of such articles as are opposed to any of the provisions of this act, shall remain in force so long as they are not altered in the manner provided by the said constitution. Present constitution to continue until altered.

5. The board of directors shall always be entitled to propose the adoption of any additional by-laws, that they may deem necessary for the proper working of the Institute, after having introduced the same in the form of reports at a regular meeting, and posted them up for eight days; and provided that such new by-laws are not of a nature to deprive the members of any of their privileges, they shall come into force, so soon as they shall have been adopted, by the majority of the members present, at a regular meeting of the said institute. New by-laws may be proposed by directors. Proviso.

6. The said institute shall have the right to make by-laws imposing such subscriptions in money upon its members, By-laws imposing subscriptions and



for expelling  
members.  
Proviso.

as it shall deem necessary, and also to establish for what causes members shall be expelled; provided always, that all such by-laws, as may have for effect the expulsion of any members of the society, shall not enter into force until they shall have been adopted in the same manner and with the same formalities as those required in relation to changes of the constitution.

Quorum.

7. The quorum at ordinary meetings shall not be less than ten; the quorum at meetings, the convocation whereof requires that special notices be posted up or published in the newspapers, under this act, shall consist of twenty active members, duly qualified to vote.

Power to hold  
property.

8. The said institute may acquire, by gift or otherwise, real and personal estate to an amount not exceeding six thousand dollars in annual revenue; but the annual value of the premises occupied by the said institution, the books contained in the library thereof, and the objects of art, instruments, &c., composing the museum, shall not be included in this valuation, but may increase indefinitely in number and in value.

Powers of com-  
mittee limited.

9. The committee of management shall only dispose of the funds necessary to defray the ordinary expenditure, and the expenses of the maintenance of the said institution.

Seat in Mon-  
treal—applica-  
tion of other  
institutions.

10. The seat of the said institute shall be in the city of Montreal, but it shall be lawful for the said society to affiliate with any institution of a similar nature established in any other locality within the Dominion, provided always that such institution adopts the constitution and by-laws of the said institute; and in such cases, the members of the said society so affiliated shall enjoy all the privileges of the active members of the said institute, if such privileges be not restricted or excepted by the resolutions which led to such affiliation.

Annual report  
to legislature.

11. The said corporation shall be bound to make annual reports to the legislature containing a general statement of the affairs of the corporation, which said reports shall be presented within the first twenty days of every session of the legislature.

## CAP. LII.

An Act to incorporate the "Pharmaceutical Association of the Province of Quebec."

[Assented to 24th December, 1870.]

Preamble.

WHEREAS it has been represented by the petition of Benjamin Lyman, Nathan Mercer, Henry R Gray, James Goulden, Ebenezer Muir, John Kerry, John B.

Edwards, Richard Bolton, William H. Clare, Thomas Crathern, Alexander Manson, and Edmond Giroux, that they and divers others, have been, for several years past, associated together under the name of the "Montreal Chemists' Association," for the purpose of advancing chemistry and pharmacy, and increasing the opportunities for the education of those who practise the same, and have, for that purpose given several courses of lectures on chemistry, and materia medica, and have commenced the formation of a library and museum, which they are willing to appropriate for the purposes hereinafter mentioned, and that the said petitioners believe that if the said persons and their successors were incorporated and invested with the powers hereinafter mentioned, they would be able still further to increase their means of instruction ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain persons  
incorporated.

1. The said Benjamin Lyman, Nathan Mercer, Henry R. Gray, James Goulden, Ebenezer Muir, John Kerry, John B. Edwards, Richard Bolton, William H. Clare, Thomas Crathern, Alexander Manson, and Edmond Giroux, and such others as are at the present time members of the said "Montreal Chemists' Association" shall be members of and form one body politic and corporate for the purposes aforesaid, by the name of the "Pharmaceutical Association of the province of Quebec," by which name they shall have perpetual succession, and a common seal, with full power and authority to alter, vary, break, or renew, the same at their discretion, and by the same name to sue, and be sued, implead or be impleaded, answer and be answered unto, in all courts of law and equity, in this province, and may purchase, take or hold real and personal property provided the real property so held by the said corporation does not at any time exceed the value of twenty thousand dollars, and may hypothecate or alienate the same, and acquire other property instead thereof.

General cor-  
porate powers.

2. The said corporation shall in addition to the present members of the said Montreal chemists' association consist of persons to be called "members" and such persons being chemists and druggists, who are, or have been established in business on their own account, prior to the passing of this act, or who shall have been examined in such manner and on such subjects as the council of the said corporation shall deem proper, or shall have been certified to be duly qualified for admission as members, and all of which members shall subscribe to the funds of the said corporation in such manner as shall be provided by the by-laws thereof. This clause shall not be held to include persons engaged in the sale of the common class of drugs ordinarily kept in

Who shall be  
"members."

country stores ; and provided also, that persons holding a license from the college of physicians and surgeons of Lower Canada, or from any college of chemistry and pharmacy recognized by the law of Great Britain or of the Dominion, shall be exempt from examination.

Who shall be  
" associates."

3. There shall also be admitted to all the privileges and benefits of the said corporation, excepting the right of voting at the general meetings thereof, or of holding any office in the same, persons to be called " associates," and such associates shall be clerks or apprentices to chemists and druggists, who are at the present time associates of the Montreal chemists' association, and all associates who shall be admitted after the passing of this act, shall first be duly examined in such manner as the council of the said corporation shall deem proper, and shall subscribe to the funds of the said corporation in such manner as shall be provided by the by-laws thereof.

General meet-  
ings.

4. There shall be general meetings of the said corporation held from time to time as hereafter mentioned, and there shall always be a council to direct and manage the affairs of the said corporation, and the said general meetings, and the council shall have the entire direction and management of the said corporation, in the manner and subject to the regulations hereinafter mentioned, and at all general meetings and meetings of the council, the majority of the members present having a right to vote thereat respectively, shall decide upon the matters propounded to such meetings, the person presiding thereat having in case of an equality of votes, a second casting vote.

Council.

Voting.

First members  
of council.

5. The said council shall consist of twelve members, and Benjamin Lyman, Nathan Mercer, Henry R. Gray, James Goulden, Ebenezer Muir, John Kerry, John B. Edwards, Richard Bolton, William H. Clare, Thomas Crathern, Alexander Manson and Edmond Giroux, shall be the first members of the council of the said corporation, and shall continue such until the first general meeting for the election of officers shall be held in accordance with the provisions of this act.

When meetings  
shall be held.

6. It shall be lawful for the members of the said corporation to hold general meetings once in the year, and also such special general meetings, as the council may from time to time think proper. The annual general meetings shall be held alternately in the cities of Montreal and Quebec, on the third Tuesday in the month of May in each year, or such other day near thereto as shall be determined by the council ; and further, upon the requisition in writing of ten members of the said corporation entitled to vote, requesting the said council to convene a special general meeting of the said corporation, for the purpose specified in the requisition, such meeting shall accordingly be con-

vened by the said council, within such reasonable time as the council shall see fit, they first giving such notice thereof as may be required by the by-laws of the corporation, and of the purposes for which the same is convened.

7. The members of the said corporation shall on the third Tuesday in the month of May, eighteen hundred and seventy-one, and also on the third Tuesday in the month of May, in every succeeding year, or as near the same as conveniently may be, proceed by ballot to nominate and appoint the members of council in manner hereinafter provided, and two auditors of the accounts of the said corporation.

Election of members of council.

8. At the election of the council to be held, in the year eighteen hundred and seventy-one, there shall be elected twelve members of council; and at the election which shall be held in the year eighteen hundred and seventy-two two-thirds of the then members of the council shall go out of office, such members to be determined by lot; and in the election of council in the year eighteen hundred and seventy-three, the remaining one third of the members of council elected in the year eighteen hundred and seventy-one, and also one half of the members elected in eighteen hundred and seventy-two, (such one half to be determined by lot as aforesaid) shall go out of office, and in every succeeding year two thirds of the members of the council being such as shall have been longest in office, computing from the last election respectively, shall go out of office, but shall nevertheless be eligible for re-election as members of council.

How members of council shall go out of office.

9. In case of the death, resignation or removal of any member of the council or auditor, it shall be lawful for the council themselves to elect and appoint some other person, being a member of the said corporation, to supply the place of such member of the council or auditor; and the person so appointed shall be taken in all respects as regards the duration of office to represent the person in whose stead he has been appointed.

How vacancies shall be filled.

10. It shall be lawful at any meeting of the council with the consent of three fourths of the members present, but not otherwise, to remove any member from the said corporation, and he shall therefore cease to be a member of the said corporation.

Removal of members.

11. The council directed to be appointed by clause five of this act, and the council of the said corporation for the time being shall at their first meeting after the election of the council, elect from among their members a president, two vice-presidents, and a treasurer, and shall also appoint a proper person to be the secretary thereof.

Election of officers.

12. The council of the said corporation for the time being, by themselves or such other competent persons as

Power of council.

they should think fit to appoint, shall examine and decide upon the admission of members and associates of the said corporation, and grant such certificates or diplomas as they shall think proper, to the persons whom they shall deem qualified to be such members or associates, and may elect honorary and corresponding members of the said corporation who shall have all the privileges thereof, except the right of being present at general meetings. The said council shall also appoint and remove all the subordinate officers of the said corporation, and shall have the sole control, and management of the real and personal property of the said corporation, subject to the by-laws thereof, but no sale or mortgage of any property of the said corporation shall be made except with the approbation and concurrence of a general meeting of the members of the said corporation, specially called for such purpose.

Council may  
make by-laws.

13. The council of the said corporation shall have power to make such by-laws, rules and regulations as they shall deem necessary for the carrying out of the objects of this act and to impose thereby a penalty not exceeding ten dollars for every infraction thereof payable to the said corporation, and from time to time may amend, revoke and substitute others in their stead, and such rules and by-laws may also be amended, altered or repealed, in whole or in part at any annual general meeting of the said corporation, provided previous notice be given of their intention so to do, such notice to be in accordance with the by-laws in force for the time being.

Recovery of  
penalties, &c.

14. All sums of money, subscriptions and penalties due and payable to the said corporation, may be prosecuted and recovered before any competent court of civil jurisdiction.

Short title.

15. This act may be cited as the "Pharmaceutical Association Act of 1870."

### CAP. LIII.

An Act to amend the Acts incorporating *Les Sœurs de L'Asile de la Providence de Montréal*, and to authorize them to acquire further real estate than they now hold and to dispose of the same.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS *Les Sœurs de L'Asile de la Providence de Montréal*, incorporated by act of parliament of the heretofore province of Canada, have by their petition set forth that they have fulfilled the object of their foundation,

which was to relieve and support aged, infirm and sick women, without means of subsistence, and moreover that they have extended their works of benevolence, in receiving into their establishment a large number of orphans, to whom they give suitable instruction, in founding an establishment for the education of deaf and dumb females in the city of Montreal, in establishing in various villages and centres of population, at the request of the inhabitants of different parishes, branch houses for the relief of the aged, infirm and sick, and the instruction of youth and of orphans committed to their care, and whereas considering the insufficiency of their present revenue, to meet the expenditure of these different establishments, they have prayed that their act of incorporation be amended so as to authorize them to acquire real estate to the amount of an annual revenue of eight thousand dollars currency over and above the property which they themselves may occupy, and that in consideration of the great utility of their institution and to enable them to continue the various works of benevolence to which they have devoted themselves, it is expedient to grant the prayer of the said petition ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said *Sœurs de L'Asile de la Providence de Montréal* may possess and establish, where they may deem advisable, houses for the support of the aged, infirm, sick and poor, for the care of the sick, the instruction of the deaf and dumb, and of children and orphans committed to their charge, and for those objects they may, from time to time, acquire by way of gift, legacy or otherwise, real estate within the limits of the province ; provided that the annual value or revenue of the properties which they now possess or may hereafter acquire, exclusive of those now actually occupied by them or to be hereafter occupied for the purpose of their establishment shall not exceed the sum of eight thousand dollars.

Power to establish houses and acquire real estate for that purpose.

2. The said *Sœurs de L'Asile de la Providence de Montréal*, may from time to time sell and alienate upon any title and conditions they may deem proper, the real estate which they actually possess and which they may hereafter acquire, and with the moneys derived therefrom, purchase other real estate which they may in turn sell and alienate and replace, as they may deem advisable ; provided that nothing in this act shall be held to affect or apply to any suit now pending to which the said *Sœurs de la Providence* are parties, which said suits shall be decided as if the present act had not been passed.

Power to sell property and acquire other instead.

Proviso.

## CAP. LIV.

An act to amend an act of the late Province of Canada, passed in the eighteenth year of the Reign of Her Majesty, intituled : "An act to incorporate the Benevolent Society of Notre-Dame de Bonsecours," at Montreal.

[Assented to 24th December, 1870.]

Preamble.

**W**HEREAS the said Benevolent Society of Notre-Dame de Bonsecours, at Montreal, incorporated by an act passed in the eighteenth year of Her Majesty's reign, for the purpose of aiding and assisting the members thereof in case of sickness, and to ensure like assistance and other advantages to the widows and orphans of deceased members, has, by its petition, asked for several amendments to its charter of incorporation, and it is expedient to grant their demand ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Power to create  
a reserve fund.

1. It shall be lawful for the said Benevolent Society of Notre-Dame de Bonsecours, at Montreal, by a regulation passed at a meeting of the members of the said society held and convened after all formalities required by the constitution and rules and regulations thereof, to create a reserve fund, the amount of which shall not be less than eleven thousand dollars, and to appropriate the whole or part of the funds of the said society, after payment of all charges and obligations of the said society, to the creation of the said fund and to regulate the manner of raising out of the cash on hand or revenues of the said society the sums necessary to complete the said reserve fund, as also the time at which the payments thereto shall be made.

Power to de-  
termine in-  
vestment  
thereof.

2. The society shall also determine the investments or employment which shall be made of the said reserve fund, either in the purchase of government or municipal bonds or loans upon mortgage, and may from time to time change the said investments as circumstances may require, or that a safer or more profitable investment can be made ; but the said society shall not expend any portion of the principal of the said fund, but shall restrain their expenditure within the revenues of said fund and other ordinary revenues of the said society.

How revenues  
shall be em-  
ployed.

3. The revenues of the said society shall be employed for the purposes and in the order following :

1. For the administration of the affairs of the society ;
2. Assisting the widows ;
3. Assisting the orphans ;
4. Assisting the sick members of the society.

4. All surplus shall be employed to create or increase the permanent fund of the society. Employment of surplus funds.

5. The office bearers of the society, in council assembled, shall appoint, during the months of January and July, in each year, three arbitrators. These arbitrators shall determine from the receipts and disbursements the amount which shall be granted during the current half year for assisting the widows, orphans and sick members respectively, who, at or after the passing of the present act, will have a right to such assistance. The allowance shall, in no case, exceed the amount fixed by the present regulations of the society : and to effect this purpose the said arbitrators shall have a right to examine the registers and accounts of the said society and the decision of the said arbitrators or the majority of them shall be final. Arbitrators to be appointed. Their duties.

#### C A P . L V .

An Act to extend the incorporation of "The Quebec Friendly Society," and to amend and consolidate the various acts respecting the said Society.

[Assented to 24th December, 1870.]

**W**HEREAS the president and other officers of the "Quebec Friendly Society," acting for and in the name of the said society, have, by their petition, represented that the incorporation of the said society is limited and terminates on the first day of June next, eighteen hundred and seventy-one ; and have prayed that the acts tenth and eleventh George Fourth, chapter forty-nine, twelfth Victoria, chapter one hundred and fifty-one, sixteenth Victoria, chapter sixty-four, and eighteenth Victoria, chapter sixty-three, respecting the said society, be amended and consolidated into one single act, regulating and indefinitely continuing the incorporation thereof ; and whereas it is advisable to accede to their prayer ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows : Preamble.

1. The Quebec Friendly Society now in existence under the acts hereinbefore cited, and founded with the objects of collecting moneys to relieve the members thereof in the event of sickness, old age or infirmity, preventing them from pursuing their occupations or exercising their trades or professions, and to assist the widows and children of deceased members, shall continue to exist under the name aforesaid, invested with all the general powers of bodies politic and corporate, regard being always had to the provisions of this act. Present society incorporated.



Power to  
acquire pro-  
perty.

2. The said society shall preserve all the property and all the rights and privileges which it has and shall have at the time when this act comes into force against every person and corporation whatsoever, and may hold, acquire, sell, hypothecate, and possess, movable and immovable property, provided that the annual value of the said immovable property does not exceed the sum of four thousand dollars.

Proviso.

Power to make  
by-laws for  
certain pur-  
poses.

3. The majority of the members of the said corporation present at any meeting held or convened in accordance with the by-laws in force for the time being, shall have full power and authority to establish such rules or regulations as they may deem expedient, for the administration of the affairs thereof, the admission of new members, the imposing of subscriptions, fixing the meetings of the society, the election of its officers, for the government of the said officers, and of the said society, to define their powers, to regulate the amount of aid to be accorded, and generally to make all the regulations necessary to attain the ends of the said society.

Existing by-  
laws continued.

4. The existing by-laws of the said society, as sanctioned by the superior court for the district of Quebec, shall remain in force until they shall have been respectively repealed or altered, and this the said society shall have the right to do by a vote of two-thirds of the members present at the meeting at which such alterations shall be submitted; provided that such alteration or repeal shall have been proposed by motion, of which the secretary shall have, at least one month before hand, given notice in writing to each of the members of the said society, and that subsequently to their having been so adopted, they be approved by one of the judges of the superior court of the district, or by the prothonotary thereof, as being consistent with this act.

How they may  
be altered.

Committee of  
management.

5. The transaction of affairs shall be entrusted to a committee of management, composed of nine members and of the officers chosen by the society, in conformity with the rules to be made or amended in manner aforesaid, subject to the control of the society, to whom the said committee shall make a report at the monthly meetings of the said society.

Officers.

6. The society shall have for officers, a president, a vice-president, a secretary and a treasurer, and it may appoint such persons as it may deem necessary to assist its officers in the execution of their duties; and the president and the treasurer shall represent the said society in relation to the acceptance of deeds, significations, suits and other purposes of this act, and the said president shall have a casting vote.

Power to exact  
security from  
and to control  
certain officers.

7. The society may, at any time, exact from the officer or officers appointed to receive its moneys, the keepers of any book, paper or asset whatsoever belonging thereto, security

either personal or hypothecary, to insure the faithful discharge by such persons of their duties, the rendering of accounts thereby, and the restoration of all such books, papers or assets as aforesaid, and it may for just cause suspend such officer, replace him at will, and summon him before any competent court, and with the right of coercive imprisonment against him, to compel him to restore, to the said society, all books, papers, moneys and assets, which he may have in his possession belonging to the said society, and such right may be also enforced against the heirs or representatives of such officers or other persons in possession of such property of the said society, and refusing to restore the same to any person duly authorized by the said society or by the committee of management thereof.

8. The society may invest the moneys collected for the purposes of this act in hypothecs, in bank stock or in bank deposits, and in every building society and incorporated company in this province. Investment of moneys.

9. All the rights, indemnities, grants and advantages of members or of their heirs, in the said society, shall not be liable to seizure in the hands of the said society, and shall be payable to the widows and children of such members: Indemnities exempt from seizure. members may dispose thereof otherwise, by will only.

10. Notwithstanding the destination or disposal of the rights of any member in the said society, the society shall always be entitled to compensate, against the allowances or moneys payable at the time of his death, all sums or obligation which may be then due by such member to the said society, any previous discharge under the insolvent act or otherwise to the contrary notwithstanding. Right to set off sums due against allowances.

11. The object of the society being solely to indemnify for loss of time by disease or infirmity, the certificate of the physicians or other persons recognized by the by-laws of the society, shall establish that the physician or such other persons have seen and visited the member, that he has been afflicted with a certain malady or infirmity, and that he has really been prevented from pursuing his occupations or exercising his trade for a certain period of time; and the following form shall, until another is substituted therefor, form part of the by-laws of the society. What certificates of physicians shall certify.

"I certify that I have seen and visited (*name, surname and profession of the member*), that he has been affected with (*the malady or infirmity*) from the ..... to the ..... and that during all such time he has been actually prevented from pursuing his occupations and exercising his trade (*or profession.*)"

12. It shall not be lawful for the said society to become dissolved in order that a division of the property thereof may be made, without the consent and approval of four fifths of all the members of the said society, nor until six How society may be dissolved.

This act to be the act of incorporation. 10, 11 Geo. IV, c. 49; 12 V., c. 151, 16 V., c. 64 and 18 V. c. 63 repealed, saving, &c.

months' notice of the motion proposing such dissolution has been given by the secretary to all the members of the said society then in this province, and with the approbation of the lieutenant-governor in council.

13. The foregoing act shall be the act of incorporation of the said Quebec Friendly Society, all the other acts being by this act repealed, save and except for the property, rights and privileges reserved by the second section of this act.

## CAP. LVI.

### An Act to incorporate the Protestant Infants' Home of Montreal.

[Assented to 24th December, 1870.]

#### Preamble.

WHEREAS the persons hereinafter mentioned have, by petition, represented that they and others, for some years past, have maintained by voluntary contributions, a certain institution in the city of Montreal, known as "The Protestant Infants' Home," for the purpose of furnishing a home for children who may be deprived of their natural protectors, either by death, abandonment, or otherwise, and for the purpose of protecting such children from the effects of want and exposure to crime, and have prayed that for the better attainment of the objects of the said institution, the same may be vested with corporate powers; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

#### Certain bodies incorporated.

1 Mesdames Anna E. Workman, Maria Louisa Henshaw, Elizabeth Scott, Louisa B. Ferrier, Mary A. Godfrey, Annie Muir, A. L. Shaw, and L. M. Baylis, and such other persons as now are or may hereafter be associated with them in conformity with this act, and their successors are hereby constituted and created a body corporate and politic, with all the rights incident to corporations by the name of "The Protestant Infants' Home of Montreal."

#### General corporate powers.

2. The said corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break, and renew the same, when and as often as they shall think proper, and may, under the said name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all courts and places whatsoever in this province, and by the same name, they and their successors, from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain to and for the use of the said corporation, all lands

#### Power to acquire property.

and property movable and immovable, which may hereafter be sold, ceded, exchanged, given bequeathed or granted to the said corporation, or to sell, hypothecate alienate, convey, let or lease the same, if need be; provided always Proviso. that such real estate shall not exceed the annual value of five thousand dollars beyond that actually required for the use of the said corporation; provided also that if the said Proviso. corporation shall become possessed of real estate exceeding the annual value of five thousand dollars apart from that actually used by the said corporation, it shall be bound to sell such surplus property within five years from the acquisition of the same and invest the proceeds thereof in public securities of the dominion, stocks of chartered banks, mortgages and other approved securities for the use of the said corporation.

3. The officers of the said corporation shall consist of a Officers. president, secretary, treasurer, and a committee of management of not less than ten members, and such other officers as shall, from time to time, seem necessary to the corporation. The foregoing officers shall be chosen from among the members of the institution, and the president, secretary and treasurer, shall be *ex-officio* members of the said committee.

4. The said corporation, shall have power to form a code Power to make by-laws for certain purposes. of by-laws, not inconsistent with the laws of this province, or of the dominion, for fixing the terms of admission of its members, for the government of the same, for the election, changing and altering the officers above named, and for the general regulation and management of its officers which code, when formed and adopted at a regular meeting shall, until modified or rescinded, be equally binding as this act, upon the institution, its officers and members.

5. The by-laws of the said institution, not being contrary Present by-laws to continue until altered. to law, shall be the by-laws of the corporation hereby constituted, until they shall be repealed or altered as aforesaid.

6. Until others shall be elected according to the by-laws Present officers continued until others are elected. of the corporation, the present officers of the institution shall be those of the corporation.

7. The said corporation may send out to service or bind Power to send children out to service and to bind them apprentices. or apprentice thereto, or to any healthy trade or business, until the age of sixteen, all children, and may send out to be nursed, supported, educated or adopted, all children having the protection of the said corporation, to, by, or with such person or persons, and upon such terms as to the officers may seem fit and proper, and for such purposes and on behalf of and for such children and themselves, may enter into and make with any person or persons with whom such children may be placed, articles of apprenticeship or agreement; and such articles or agreement may be enforced by action at law.

Annual reports  
to legislature.

8. The said corporation shall be bound to make annual reports to the legislature, containing a general statement of the affairs of the corporation, which said reports shall be presented within the first twenty days of every session of the legislature.

## CAP. LVII.

An Act to incorporate "The Women's Hospital of Montreal."

[Assented to 24th December, 1870.]

Preamble.

WHEREAS the persons hereinafter named have, by petition, represented that it is necessary and desirable that an hospital should be founded and established in the city of Montreal for the treatment of diseases peculiar to women, and that they have formed themselves into an association for the establishment of such an institution, and have prayed that for the better attainment of the objects of the said association, they and their successors be incorporated under the name of "The Women's Hospital of Montreal"; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain persons  
incorporated.

General corpo-  
rate powers.

Board of gov-  
ernors to be  
elected.

Board of man-  
agement.

1. Jean Lukin Leprohon, M.D., William H. Hingston, M.D., John Summerfield Chapman, M.D., and such other persons as may be associated with them in conformity with this act, and their successors, are hereby constituted and created a body politic and corporate, by the name of "The Women's Hospital of Montreal," and may, by any legal title, acquire and lease any estate whatsoever, real or personal, and may sell, alienate, lease, hypothecate, or otherwise dispose of the same, or any part thereof, from time to time, as occasion may require, and may acquire other property instead thereof, for the purposes of the said corporation; provided that such real estate shall not exceed the annual value of ten thousand dollars.

2. For the supervision of the general affairs of the said corporation, there shall be a board of governors, which shall be composed of not more than twelve members, who shall be annually elected from amongst and by subscribers who shall have subscribed and paid not less than four hundred dollars, by a vote to be taken in such manner and at such time as may be determined by the by-laws which may be enacted by the said corporation for that purpose.

3. The immediate management and control and conduct of the said corporation shall be vested in a board which shall be called "The Medical Board," and be composed of three physicians, namely, the said Jean Lukin Leprohon,

William H. Hingston, John Summerfield Chapman, and such other persons as they may name to act with them or to act as their successors, and the said board shall cause to be kept minutes of their proceedings and acts, and shall, from time to time, report to the board of governors, as may be provided by by-law or regulation to that effect.

4. The board of governors shall have power to name and appoint, from time to time, a committee of ladies, who shall exercise a general supervision over the internal arrangements and well-being of the said institution, and under the control of the said medical board. Governors to appoint a committee of ladies

5. The corporation may make such by-laws, not contrary to law, as they shall deem advantageous or necessary for the administration and government of the corporation and of such institute, or other charitable institutions as they shall maintain; and may repeal or amend the same from time to time, observing always, however, such formalities as by such by-laws may be prescribed to that end; and generally shall have all the corporate powers necessary to the end of this act. Power to make by-laws.

6. All subscriptions or other charges or accounts due to the corporation, under any by-law or otherwise, may be recovered by suit in the name of the corporation. Recovery of sums due the corporation.

7. The said corporation shall make annual reports to the legislature, containing a general statement of the affairs of the corporation, within the first twenty days of every session of the legislature. Annual reports to the legislature.

## CAP. LVIII.

### An Act to incorporate "The Montreal Auxiliary Bible Society."

[Assented to 24th December, 1870.]

**W**HEREAS the Honorable James Ferrier, the Reverend George Cornish, Alexander Johnson and Henry Venor, all of the city of Montreal, have, by petition, represented, that for some years past, they and others have composed and maintained, by voluntary contributions, a certain association in the city of Montreal, known as "the Montreal Auxiliary Bible Society," and that for the better attainment of the objects of the said association, they are desirous that the same be vested with corporate powers, and the right to accept contributions, gifts, donations in money or property, by will or otherwise, and to acquire and hold real estate by purchase, lease or otherwise, with power to sell, hypothecate or lease the same, including any real estate which, under the provisions of the act passed during the present session, incorporating "The Montreal Young Men's Chris- Preamble.

tian Association," may devolve upon the same ; and where-  
as it is expedient to grant the prayer of the said petition ;  
Therefore, Her Majesty, by and with the advice and  
consent of the Legislature of Quebec, enacts as follows :

Certain persons  
incorporated.

Power to ac-  
quire property.

Proviso.

Proviso.

Power to make  
by-laws.

Property, lia-  
bilities, &c., of  
the society  
transferred to  
the corporation

1. The Honorable James Ferrier, the Reverend George Cornish, Alexander Johnson, and Henry Vennor, and such other persons as now are members of the said society or who may hereafter become members thereof in virtue of this act, shall be and they are hereby constituted a body politic and corporate under the name of "The Montreal Auxiliary Bible Society," for the purposes aforesaid, and by that name, shall have power at all times, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, property movable and immovable, including any real estate which, under the provisions of the act passed during the present session, incorporating "The Montreal Young Men's Christian Association," may devolve upon the said corporation, and the said property to hypothecate, sell, alienate and dispose of and to acquire other instead thereof for the same purposes ; provided always that such real estate shall not exceed the annual value of ten thousand dollars beyond the requirement of the said corporation ; provided also that if the said corporation shall become possessed of real estate exceeding the annual value of ten thousand dollars, it shall be bound to sell such surplus property within five years from the acquisition of the same, and invest the proceeds thereof in public securities of the dominion, stocks of chartered banks, mortgages, or other approved securities, for the use of the said corporation.

2. The said corporation shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this act, or with the laws then in force in this province, as they may deem expedient and necessary, for the interest and administration of the affairs of the said corporation, and for the admission of members thereof ; and the same to amend and repeal, from time to time, in whole or in part, and also such regulations and by-laws as may be in force at the time of the passing of this act.

3. The real and personal estate at present the property of the said society, shall be and they are hereby transferred to the said corporation, and the said corporation shall be charged with all the liabilities and obligations of the said society ; and the rules, regulations and by-laws now established for the management of the said society shall be and continue to be the rules, regulations and by-laws of the said corporation, until altered or repealed in the manner prescribed by this act.

4. Until others shall be elected according to the by-laws of the corporation, the present officers of the association shall be those of the corporation. Present officers to continue until replaced.

5. The said corporation shall be bound to make annual reports to the lieutenant-governor, and to both branches of the legislature, containing a general statement of the affairs of the corporation, which said reports shall be presented within the first twenty days of every session of the legislature. Annual reports to legislature.

## C A P . L I X .

### An Act to incorporate "The Montreal Young Men's Christian Association."

[Assented to 24th December, 1870.]

**W**HEREAS the persons hereinafter named, have, by petition, represented that for some years past, they and others have composed and maintained by voluntary contributions, a certain association in the city of Montreal known as "The Montreal Young Men's Christian Association," and that the objects of the said association would be better attained if the same be invested with corporate powers; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: Preamble.

1. T. James Claxton, H. A. Nelson, E. K. Greene, A. S. Wood, N. S. Whitney, W. Clendinning, Chas. Alexander, Thos. Craig, David Bentley, George Bishop, Alfred Sandham, George Young, Wm. Reid, J. Redpath Dougall, James C. Simpson, and such other persons who are now members of the said association, or shall hereafter unite with them under the provisions of this act and the by-laws made under authority thereof, and their successors, shall be and they are hereby constituted a body politic and corporate under the name of "The Montreal Young Men's Christian Association," and may, by any legal title, acquire, hold and enjoy any estate whatever, real or personal; and may alienate, lease, or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and other estate, real or personal, may acquire instead thereof; provided that such real estate shall not exceed the annual value of ten thousand dollars beyond the requirements of the said corporation; provided always that the said corporation shall not sell or transfer any of the property of the said corporation at any time, without a vote of the members thereof being first taken and a majority of three- Certain persons incorporated. Power to acquire property. Proviso. Proviso.



fourths of the whole authorizing such sale or transfer, and for the taking of such vote, a meeting shall be called, notice of which meeting shall be given at least thirty days previous thereto, and no such sale or transfer, shall in any way affect the rights of the "Montreal Auxiliary Bible Society," Canada Sunday School Union and Religious Tract Society, as secured to them by this act and such sale and transfer shall be held to have been made subject to all such rights.

What the property shall consist of.

2. The property of the said corporation shall consist of the following: the present property of the association, the life, annual or other subscriptions of members, donations, bequests or legacies made to the corporation, and the moneys arising from fines and forfeitures lawfully imposed by their by-laws, all property and funds permanently invested and the revenues thereof, and all sums which may hereafter be received by the corporation for life subscriptions of members, or from legacies, bequests or donations, amounting to twenty dollars or upwards, not specially made for other purposes; and the capital over and above the sums required for the establishment and maintenance of the said association shall, from time to time, be invested in real or immovable property, city of Montreal consolidated fund, or in bank stock, and the rents, interests or other income arising from such investments, together with all moneys arising from other sources, shall be appropriated towards the objects of the said association, and the defraying of the expenses of the corporation.

Building may be erected.

The said corporation may, at any time hereafter, erect a building for the purposes of the said corporation, which said building shall be known as "The Montreal Young Men's Christian Association Building and Bible House."

Portion of building reserved for certain other societies.

There shall be apportioned and set aside, for the use of the "Montreal Auxiliary Bible Society," the Canada Sunday School Union and the religious Tract Society, in the said building so to be erected, a shop or store on the ground floor, with a cellar underneath, twenty feet wide within walls on the corner of Radegonde and Craig streets, and extending the whole depth, also a room in the said building, of suitable dimensions for a committee room for the said "Montreal Auxiliary Bible Society, Canada Sunday School Union and Religious Tract Society, to be used in common as a union depository free from rent.

Building to be managed by a board of directors.

The management of the said building shall be vested in a board of directors of not less than fifteen in number and of which board of directors, the president for the time being of the Montreal Auxiliary Bible Society, and of the Canada Sunday School Union, shall be *ex-officio* members. One-third of the said board shall retire annually, but shall be eligible for re-election, and none but active members of the said corporation shall be elected to said board. The first

board of directors shall consist of T. James Claxton, E. V. Mosely, Chas. Alexander, Henry Lyman, W. Clendinning, J. Torrance, G. Young, W. Reid, D. Morrice, L. Paton, N. S. Whitney, T. Craig, R. Irwin, H. A. Nelson, and E. K. Greene.

The constitution and objects of the said corporation of the Montreal Young Men's Christian Association shall, at a meeting to be convened for that purpose within twelve months from the passing of this act be determined, and shall be declared to be the basis upon which the said corporation is established, and such constitution shall be unalterable and shall be enacted by a by-law to be entered in a register kept for the purpose of recording the by-laws of the corporation, and copies of any by-law from such register, certified by the secretary of the said corporation, shall be *prima facie* evidence of their contents in all courts, and a copy from the said register of the by-law establishing the constitution aforesaid, certified by the secretary shall be deposited in the office of the prothonotary of the superior court at Montreal, and copies thereof certified by the said prothonotary, shall also be *prima facie* evidence of their contents in all courts.

Constitution to be framed.

Certified copies of by-laws to be prima facie evidence.

In the event of the said corporation becoming extinct, the said building shall become the property of "The Montreal Auxiliary Bible Society," and in the event of the said building being sold at the sheriffs' sale, such sale shall convey to the purchaser no other rights than those of the Montreal Young Men's Christian Association, and such sale shall be deemed made subject to all the rights, by this act vested in the Montreal Auxiliary Bible Society, Canada Sunday School Union and Religious Tract Society.

Cases of corporation becoming extinct or of the building being sold, provided for.

3. The affairs and business of the corporation shall be managed by such officers and committees, and under such restrictions, touching the powers and duties of such officers and committees as by by-laws in that behalf, the corporation may, from time to time, ordain; and the corporation may assign to any such officers such remuneration as they may deem necessary.

How affairs of corporation shall be managed.

4. The corporation may make such by-laws as they shall deem expedient for the administration and government of the corporation, and of such association or other charitable institutions as they shall maintain; and may repeal or amend the same, from time to time, save and except the by-law establishing its constitution, observing always however such formalities as by such by-laws may be prescribed to that end, and generally shall have all the corporate powers, necessary to the ends of this act, and may impose fines not exceeding five dollars for every infraction of a by-law.

Power to make certain by-laws

5. The by-laws of the said association, not being contrary

Former by-

laws to continue until repealed.

Present officers of the corporation continued until replaced.

Recovery of sums due—

Members may withdraw on payment, &c.

Members competent as witnesses.

Recovery of subscriptions with interest.

Annual returns to legislature.

to law, shall be the by-laws of the corporation hereby constituted, until they shall be repealed or altered as aforesaid.

6. Until others shall be elected according to the by-laws of the corporation, the present officers of the association shall be those of the corporation.

7. All subscriptions and all penalties due to the corporation under any by-law, may be recovered by suit in the name of the corporation; but any member may withdraw therefrom at any time, on payment of all accounts by him due to the corporation, inclusive of his subscription for the year then current.

8. No person otherwise competent to be a witness, in any suit or prosecution in which the corporation may be engaged shall be deemed to be incompetent to be such witness, by reason of his being or having been a member or officer of the corporation.

9. The said corporation shall have full powers to collect and enforce by suit at law or other legal process the payment of all subscriptions or instalments or subscriptions, with legal interest thereon, from the time said payments are demanded or may become due.

10. The corporation shall make annually to the legislature, a full return of their property, real and personal, and of their receipts and expenditure for such period, within the first twenty days of every session of the legislature.

## C A P . L X .

An Act to incorporate "*l'Union St. Vallier de Québec.*"

[Assented to 24th December, 1870.]

Preamble.

**W**HEREAS the president and a certain number of the members of *l'Union St. Vallier de Québec* have, by their petition, represented to the legislature that such association has been constituted with the view of affording mutual assistance to its members in the event of sickness or infirmity, and of furnishing certain allowances and relief to the widows and children of deceased members; and whereas the members of the said association have prayed to be incorporated, and it is expedient to grant their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Québec, enacts as follows:

Certain persons incorporated.

1. Messrs. Ed. Lemieux, Joseph Plamondon, Louis Gravel, Charles, Légaré, J. Richard, Léger Cantin, Charles Guay, Joseph Beaudoin, Louis Richard, O. Rochette, Prisque Cloutier, Ant. Parant, J.-Bte. Ginchereau, Joseph Blondeau, John Davidson, D. Guay and such other persons as now

are members of the said association, or who may hereafter become members thereof in virtue of this act, or any by-laws made in virtue thereof, shall be and they are hereby constituted a body politic and corporate under the name of *l'Union St. Vallier de Québec*, and by that name may exercise each and every the general powers whereof corporate bodies are possessed, regard being always had to the provisions of this act, and may, by any legal title, acquire, hold and enjoy any estate whatever, real or personal; and may hypothecate, alienate, lease or otherwise dispose of the same or any part thereof, from time to time, and as occasion may require, and other estate real or personal may acquire instead thereof; provided that such real estate shall not exceed the annual value of four thousand dollars beyond the requirements of the said corporation.

Name and corporate powers.

Power to acquire, sell and hypothecate property.

Proviso.

2. All the real and personal estate of the said association, and all the rights and claims thereof shall become the property of the said corporation, and the members of the same shall not be personally responsible for the obligations thereof.

Property of the association to pass to the corporation.

3. The by-laws of the said association, if they are not contrary to this act and to the laws of this province, shall be the by-laws of the said corporation, until repealed or amended in the manner prescribed by this act; and the present officers shall be the officers of the said corporation until others shall have been elected in conformity with the by-laws and according to law.

By-laws of the association to be those of corporation.

4. The majority of the members of the said corporation present at any meeting held or convened according to the by-laws of the corporation in force for the time being, shall have full power and authority to make all by-laws respecting the government of the corporation, the administration of its affairs, the admission of new members, the meeting of the association, the fixing of the contributions, whether annual, monthly or otherwise, which shall be paid by the members, the election or appointment of officers and to define their powers, and respecting the control and behavior of the said administrators and officers and of the members of the association, and shall have power to impose by such by-laws a fine or penalty not exceeding five dollars currency for infraction thereof.

Power to make by-laws for certain purposes.

5. The association shall also have full power to regulate the conditions on which any person shall continue to be a member thereof, to determine the relief which shall be granted to members in the event of sickness, old age or infirmity, and generally to make and establish all such by-laws as shall thereto appear necessary to enable the said corporation to attain fully and by all lawful means, the object for which the said association has been constituted.

Power to determine relief to be granted.

6. All such by-laws may be repealed, changed or amended.

By-laws may

be repealed &c. ed by any subsequent by-laws, provided that such alterations have been proposed at a monthly meeting previous and adopted by a majority of two-thirds of the members present.

Moneys granted for aid to be exempt from seizure.

7. No sum of money granted by the said corporation, in virtue of its constitution or any by-law, for the purpose of aiding or assisting any member when sick, or the widow or orphans of any deceased member, shall be liable to seizure, either before or after judgment; provided always that nothing contained in the present section, shall prejudice in any manner whatsoever, the right of any creditor with regard to moneys due by the corporation, to any member, either by reason of a contract, or other undertaking entered into between the said corporation and such member.

Recovery of sums due.

Members may withdraw on payment, &c.

8. All subscriptions and all penalties due or to become due to the corporation under any by-law, may be recovered by suit in the name of the corporation; but any member may withdraw therefrom at any time, on payment of all accounts by him due to the corporation, inclusive of his subscription for the year then current.

Annual returns to legislature.

9. The said corporation shall be bound to make annual reports to the legislature, containing a general statement of the affairs of the corporation, which said reports shall be presented within the first twenty days of every session of the legislature.

## C A P. L X I.

An Act to amend the act to incorporate the St. Bridget's Asylum Association of Quebec.

[Assented to 24th December, 1870.]

Preamble:

**W**HEREAS this association is desirous of amending its act of incorporation;

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Property of association vested in trustees.

1. All the property, real and personal, now held by the said St. Bridget's Asylum Association, is hereby transferred to and vested in five trustees, four laymen being members of the said association and the Chaplain of St. Patrick's church for the time being, who shall be *ex-officio* a member, for the use and benefit of the poor of the Congregation of Catholics of Quebec, speaking the English language, and the said four lay trustees shall be named in the first place by the said chaplain, and shall remain in office for the space of five years.

2. The said trustees shall have all the powers now vested in the committee of management of the said association, which committee is hereby abolished. Committee of management abolished.

3. Any trustee ceasing to be a resident within the district of Quebec, or a member of the Congregation of Catholics of Quebec, speaking the English language, shall thereby vacate his office. Trustees to vacate office in certain cases.

4. The office of trustee becoming vacant, the association shall, at a meeting to be called for that purpose, at which not less than twenty members shall be present, of at least one year's standing, fill such vacancy, and should not such number be present, such vacancy, shall be filled by the committee of management of the St. Patrick's Church of Quebec, called specially for that purpose. Vacancies how filled.

5. When the term of office of the first named trustees shall expire, the four lay trustees to succeed them, shall be elected by the members of the association. Election of subsequent trustees.

6. An annual statement of the financial affairs of the association shall be rendered to it and to the Congregation of Catholics of St. Patrick's Church. Annual statement to be rendered.

## C A P. L X I I .

An Act to incorporate "The Quebec Academy of Music."

[Assented to 24th December, 1870.]

**W**HEREAS Ernest Gagnon, Frederick William Mills, Arthur Lavigne and the Reverend Pierre Lagacé, have, by petition, represented that they and others, have composed and maintained by voluntary contributions, a certain association in the city of Quebec, known as "The Quebec Academy of Music," with intent to promote the taste for music among the inhabitants of the Province of Quebec, and that for the better attainment of the objects of the said association, they are desirous that an act of incorporation be granted, and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said Ernest Gagnon, Frederick William Mills, Arthur Lavigne, the Reverend Pierre Lagacé, and such other persons who are now members, or who shall hereafter become members of the said association hereby incorporated, shall be and are by this act constituted a body corporate and politic, with all the powers vested in corporations, under the name of "The Quebec Academy of Music," and as such, may acquire, hold and enjoy any personal or Certain persons incorporated. Name and corporate powers

real estate, useful or necessary for the requirements of the said corporation, and any other estate, provided always that such real estate shall not exceed the annual value of three thousand dollars, and may lease, sell, hypothecate or alienate the same at all times, and acquire other instead thereof, as occasion may require.

Corporation  
may grant di-  
plomas.

2. It shall be lawful for the said corporation to grant diplomas according to the terms of their constitution and by-laws, and the said corporation shall have a common seal which shall be affixed on such diplomas.

Appointment  
and remunera-  
tion of officers.

3. The affairs of the corporation shall be managed by such officers as shall be elected under the by-laws of the corporation made in that behalf, and under such restrictions touching the powers and duties of such officers as may be provided by by-law; and the corporation may assign to any such officers such remuneration as they may deem necessary.

Power to make  
by-laws.

4. The corporation may make such by-laws not contrary to law, as they shall deem expedient for the administration and government of the corporation, and may repeal or amend the same, from time to time, observing always, however, such formalities as by such by-laws or by the by-laws now in force, may be prescribed to that end, and generally shall have all the corporate powers necessary to the ends of this act.

By-laws of  
association to  
continue until  
altered.

5. The by-laws of the said association not being contrary to law, shall be the by-laws of the corporation hereby constituted, until they shall be repealed or altered as aforesaid.

Present officers  
to continue  
until replaced.

6. Until others shall be elected according to the by-laws of the corporation, the present officers of the association shall be those of the corporation.

Recovery of  
sums due.

7. All subscriptions and all penalties due to the corporation under any by-law, may be recovered by suit in the name of the corporation; but any member may withdraw therefrom at any time, on payment of all amounts by him due to the corporation, inclusive of his subscription for the year then current.

Members may  
withdraw on  
payment, &c.

Members com-  
petent as wit-  
nesses.

8. No person otherwise competent to be a witness in any suit or prosecution in which the corporation may be engaged, shall be deemed incompetent to be such witness, by reason of his being or having been a member or officer of the said corporation.

Annual returns  
to legislature.

9. The corporation shall be bound to make annual reports to the Legislature, containing a general statement of the affairs of the said corporation, which said reports shall be presented within the first twenty days of every session of the legislature.

## CAP. LXIII.

An Act to incorporate "The Montreal Thistle Curling Club."

[Assented to 24th December, 1870.]

**W**HEREAS the persons hereinafter named have, by Preamble.  
 petition, represented that they and others, have, by  
 voluntary contributions, composed and maintained an as-  
 sociation in the city of Montreal, for the purpose of pro-  
 moting and practising the Scottish National game of curling,  
 under the name of "The Montreal Thistle Curling Club,"  
 and that for the better attainment of the objects of the said  
 association, they have prayed to be incorporated by the  
 name of "The Montreal Thistle Curling Club;" and where-  
 as it is expedient that the prayer of the said petition be  
 granted; Therefore, Her Majesty, by and with the advice  
 and consent of the Legislature of Quebec, enacts as follows:

**1.** Andrew Allan, James Benning, William C. McDonald, Certain persons incorporated.  
 James S. Evans, David J. Greenshields, Thomas Ross, James  
 McDougall, Alexander Mitchell, Alexander Buntin, Jacob  
 H. Joseph and David Shaw, and such other persons as are  
 now members of the said association, or shall hereafter  
 unite with them under the provisions of this act, and the  
 by-laws made under the authority thereof, and their suc-  
 cessors shall be, and they are hereby constituted a body  
 politic and corporate, by the name of "The Montreal Name and cor-  
 porate powers.  
 Thistle Curling Club," and may, by any legal title, acquire,  
 hold and enjoy any estate whatever, real or personal, and  
 may alienate, lease or otherwise dispose of the same, or  
 any part thereof, from time to time, and as occasion may  
 require, and other estate, real or personal, may, acquire in-  
 stead thereof; provided always that the value of such Proviso.  
 estate and to be held at any one time, shall not exceed the  
 capital sum of twenty thousand dollars.

**2.** The corporation shall not hold any property except Property to be  
 derived from  
 certain sources  
 only.  
 such as shall be derived from the following sources, or pur-  
 chased with funds derived from the following sources, that  
 is to say: The property of the association hereby constitut-  
 ed as the said corporation, the life, annual and other sub-  
 scriptions of members, donations, bequests or legacies made  
 to the corporation, and the moneys arising from fines and  
 forfeitures lawfully imposed by the by-laws, and the cor-  
 poration shall have power to prescribe by any by-law, what  
 portion of its funds or property shall constitute the perma-  
 nent fund of the corporation which shall be held for its A portion may  
 form a perma-  
 nent fund.  
 permanent use, and what portion shall be applied to the  
 defraying of the current expenses of the corporation, ac-



according to the by-laws then in force, and to the provisions of this act.

Appointment  
and remunera-  
tion of officers.

**3.** The affairs and business of the corporation shall be managed by such officers and committees, and under such restrictions touching the powers and duties of such officers and committees, as the by-laws in that behalf of the corporation may, from time to time, ordain, and the corporation may assign to any such officers such remuneration as they deem requisite.

Power to make  
by-laws.

**4.** The corporation may make such by-laws not contrary to law, for the administration and government of the corporation, and may repeal or amend the same, from time to time, observing always, however, such formalities as by such by-laws may be prescribed to that end, and generally shall have all the corporate powers necessary to the ends of this act, and may, by such by-laws, impose a penalty or fine not exceeding five dollars for any infraction thereof.

By-laws of  
association to  
continue until  
altered.

**5.** The by-laws of the said association, not being contrary to law shall be the by-laws of the corporation hereby constituted, until they shall be repealed or altered as aforesaid.

Present officers  
to continue  
until replaced.

**6.** Until others shall be elected according to the by-laws of the corporation, the present officers of the association shall be those of the corporation.

Recovery of  
sums due.

**7.** All subscriptions and all penalties due to the corporation under any by-law, may be recovered by suit in the name of the corporation; but any member may withdraw therefrom at any time, on payment of all amounts by him due to the corporation, inclusive of his subscription for the year then current.

Members may  
withdraw on  
payment, &c.

Members com-  
petent as wit-  
nesses.

**8.** No person, otherwise competent to be a witness in any suit or prosecution in which the corporation may be engaged, shall be deemed incompetent to be such witness by reason of his being or having been a member or officer of the corporation.

Annual returns  
to legislature.

**9.** The corporation shall be bound to make annual reports to the legislature, containing a general statement of the affairs of the said corporation, which said reports shall be presented within the first twenty days of every session of the legislature.

## C A P . L X I V .

An Act to authorize Narcisse-Pierre Massicotte to construct a toll-bridge over the River Batiscan.

(Assented to 24th December, 1870.)

Preamble.

**W**HEREAS the construction of a toll-bridge over the River Batiscan, in the parish of Ste. Geneviève, in

the county of Champlain, in the district of Three Rivers, opposite the church of the said parish, would greatly tend to promote the welfare and intercourse of the inhabitants of the said parish and of the neighbouring parishes, and of the public generally; and whereas Narcisse-Pierre Massicotte, of the said parish of Ste. Geneviève, has, by petition, prayed to be authorized to construct a toll-bridge on the said river Batiscan, at the place above mentioned; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The said Narcisse-Pierre Massicotte is hereby authorized to erect and construct, at his own cost and expense, a toll-bridge over the river Batiscan, in the Parish of Ste. Geneviève, at the place aforesaid, and to erect and construct a toll-house and a toll-gate with other dependencies and approaches to the said bridge, and also to do and execute all other matters and things, as shall be necessary, useful or advantageous, for erecting and constructing, repairing and maintaining the said intended bridge, toll-house, toll-gate and other dependencies according to the true intent and meaning of this act.

Power to construct a toll-bridge, &c., at a certain place.

2. For the purpose of erecting, building, maintaining and supporting the said bridge, the said Narcisse-Pierre Massicotte shall, from time to time, have full power and authority to take and use the land on either side of the said river Batiscan, and there cause to be worked up, the materials and other things necessary for erecting, constructing or repairing the said bridge accordingly, doing as little damage as possible, and giving just and reasonable compensation for the damage so caused, and the value of the land so taken or occupied as aforesaid.

Power to take land for that purpose.

3. The said bridge and the said toll-house, toll-gate and dependencies, to be erected thereon or near thereto, and also the ascents and approaches to the said bridge, and all materials which shall, from time to time, be found or provided for erecting buildings, or maintaining and repairing the same, shall be vested in the said Narcisse-Pierre Massicotte, provided that, after the expiration of eight years, from the passing of this act, it shall and may be lawful to Her Majesty, her heirs and successors, to assume the possession and property of the said bridge, toll-house, toll-gate, and dependencies, and the ascents and approaches thereto upon paying to the said Narcisse-Pierre Massicotte the full and entire value which the same shall, at the time of such assumption, bear and be worth; Provided always, that nothing herein contained, shall be construed to prevent the municipality of the parish of Ste. Geneviève, or any number of inhabitants interested in the said bridge, toll-house and dependencies and the ascents and approaches thereto,

Bridge, &c., to be vested in N. P. Massicotte; but after 8 years it may be assumed by H. M.

Proviso: the municipality may purchase the bridge and make it free.

upon paying to the said Narcisse-Pierre Massicotte, the full and intrinsic value which the same shall at the time of such assumption bear and be worth, with an addition of twenty per cent upon such intrinsic value, and after such assumption it shall become a free bridge, and shall for ever thereafter be vested in and maintained by the municipality, as such free bridge.

Power to levy  
tolls.

4. When and so soon as the said bridge shall be erected and built, and made fit and proper for the passage of travellers, cattle, horses and carriages, and the same shall have been published in both languages at the church door of the parish of Ste. Geneviève, it shall be lawful for the said Narcisse-Pierre Massicotte, from time to time, and at all times, to ask, demand, receive, take, sue for and recover, to and for his own proper use and benefit, for pontage, as or in the name of toll or duty, before any passage over the said bridge shall be permitted, the several sums following, that is to say :

Rates of toll.

For every person on foot.....	\$0.02
For every two wheeled vehicle drawn by one horse.....	0.08
For every four wheeled vehicle drawn by one horse or one ox.....	0.10
For every four wheeled vehicle drawn by two horses or two oxen.....	0.15
For every additional horse.....	0.05
For every horse or animal with a person on its back.....	0.06
For every horse, mule or cow, and head of cattle.....	0.03
For every sheep, calf or pig.....	0.02

Lesser rates  
may be charg-  
ed,

5. Provided always that it shall be lawful for the said Narcisse-Pierre Massicotte to diminish the said tolls, or any of them, and afterwards, if he see fit, again to increase the same, or any of them, so as not to exceed, in any case, the rates by this act authorized to be taken.

Penalty for  
passing with-  
out paying and  
for disturbing  
persons em-  
ployed, &c.

6. If any person shall forcibly pass through the said toll-gate, or over or upon the said bridge, without paying the said toll, or any part thereof, or shall interrupt or disturb the said Narcisse-Pierre Massicotte, or any person or persons employed by him for building or repairing the said bridge, or making, or repairing the way over the same, or any road or avenue leading thereto, or shall, at any time, drive faster than a walk on the said bridge, every person so offending in each of the cases aforesaid shall, for every such offence, incur a penalty not exceeding forty shillings currency, or be imprisoned for a period not exceeding ten days in the common gaol of the district.

7. As soon and so long as the said bridge shall be passable and open for the use of the public, no person shall erect or cause to be erected any bridge or bridges, nor use by way of ferry, any vessel or vessels of any kind, for the carrying of any person, cattle or carriages whatsoever, for hire or otherwise, across the said river within the distance of two miles above and two miles below the said bridge, and if any person shall erect a toll-bridge or toll-bridges, or any free bridge or bridges of any kind, or establish any ferries of any kind, over or upon the said river, within the said limits, he shall pay to the said Narcisse Pierre Massicotte treble the tolls hereby imposed for all persons, cattle, horses and vehicles which shall pass over any such bridge or ferry.

No other bridge or means of crossing to be used within a certain distance.

8. If any person shall maliciously pull down, burn, destroy or injure the said bridge, or any part thereof, or the toll-gate or toll-house, or other dependencies to be erected by virtue of this act, every person so offending and thereof legally convicted, shall be deemed guilty of felony.

Certain injuries to bridge, &c. to be felony.

9. The said Narcisse-Pierre Massicotte shall erect and complete the said bridge, toll-house, toll-gate and dependencies within five years from the day of the passing of this act, and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said bridge, the said Narcisse-Pierre Massicotte shall cease to have any right, title or claim of, in or to the tolls hereby imposed, and if the said bridge, after it shall have been erected and completed, shall, at any time, become impassable or unsafe for travellers, cattle or carriages, which may be ascertained by the Court of Queen's Bench, criminal side, sitting in and for the district of Three Rivers, the said Narcisse-Pierre Massicotte shall be required to cause to be repaired or built, within two years from the time when the said bridge shall have been so ascertained to be dangerous, and notice thereof shall have been given to them by the said court, and if the said bridge is not made and completed within the said five years, or not repaired or rebuilt within two years after service of such notice of the said court, then the said bridge or such part thereof as shall be remaining, shall be and be taken and considered to be the property of Her Majesty.

N. P. Massicotte to forfeit his rights if bridge be not built within 5 years and rebuilt when dangerous.

10. The penalties hereby inflicted, shall, upon proof of the offence, respectively, before any one or more justices of the peace for the said district of Three Rivers, either by the confession of the offender, or by the oath of one or more credible witness or witnesses (which oath such justice is hereby empowered and required to administer), be levied by distress and sale of the goods and chattels of such offender, by warrant signed by such justice or justices of the peace, and the surplus, after such penalties and the

Recovery of penalties.

Application of penalties. costs of such distress and sale are deducted, shall be returned, on demand, to the owner of such goods and chattels, and one-half of such penalties, respectively, when paid and levied, shall belong to the local municipality and the other half to the person suing for the same.

Part of the bridge to be a draw-bridge.

11. Provided that a part of the said bridge shall be, on account of navigation, a draw-bridge of not less than forty feet in length, and its arches shall not have an elevation less than eighteen feet above low water, and a distance of at least fifty feet shall exist between the piers thereof, with the exception of those which shall support the draw-bridge.

## C A P . L X V .

An Act to amend the act passed in the session of Parliament held in the 29th and 30th years of Her Majesty's reign, chapter 171, intituled "An act to empower John Auld to dispose of certain real and personal estate, the property of his minor children," and to extend the powers conferred upon the said John Auld in relation to the disposal of the said real estate.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS John Auld, of the city of Montreal, esquire, hath, by his petition, represented that in and by the provisions of the act above recited, he was empowered to sell and dispose of certain real estate bequeathed to his minor children in and by the last will of the late Mary Ann Carr, subject to the observance of certain formalities therein prescribed; that the property so purporting by the said will to be wholly bequeathed to the said children by the said Mary Ann Carr, only belonged to her to the extent of one half, being her share in the community which existed between her and her husband John McGregor, who died suddenly *ab intestat*, leaving Mary Ann McGregor sole issue of his marriage with the said Mary Ann Carr, his only heir at law, and as such entitled to the other half of the said real estate; that the said recited act is imperfect, as it assumes in the preamble thereof, that the late Mary Ann Carr had the absolute disposal of the whole of the said property; that the children issue of his marriage with the said Mary Ann McGregor who died without having made a will are entitled as the heirs of their deceased mother to one half of the said real estate, and no power is by the said recited act given to sell such share

belonging to them in that capacity, and the said John Auld hath further represented that he is desirous of obtaining an amendment to the said act conferring upon him such additional power, and likewise substituting for the first and second sections of the said act, other provisions whereby the sale of such property may be effected without having recourse to a judge on the occasion of each sale, and to authorize the investment of the proceeds of such sale and their reinvestment without requiring in each case the direction of a judge; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The first section of chapter 171, '29th and 30th Victoria, is hereby repealed, and the following substituted therefor:

Sec. 1 of 29  
30 V., c. 171  
repealed.

1. The said John Auld, in his capacity of tutor to his minor children, issue of his marriage with Mary Ann McGregor, or his successor in the said office of tutor, is hereby authorized to sell, or otherwise alienate, in one or more lots, from time to time, according as he may judge proper, the real estate belonging to his said minor children, and to execute titles, valid in law for the said lands and property so sold and alienated, provided always that the said John Auld shall not sell the said real estate or any portion thereof until a valuation of the same be made by two experts who shall be appointed to that effect by a judge of the superior court at Montreal, on the petition of the said John Auld *es-qualité*, and who, after being sworn before such judge or prothonotary, shall ascertain and report by notarial act, delivered in original form, the value of the said property, and such report shall be deposited in the office of the prothonotary of the superior court at Montreal, there to be kept of record; and that he, or his said successor in office, shall not sell the said real estate or any portion thereof at a less price than the value ascertained by such experts.

John Auld  
may sell the  
property of his  
minor children  
according to a  
value which  
shall have  
been fixed as  
provided.

2. The second section of the said act is also hereby repealed, and the following substituted therefor:

Sec. 2 of said  
act repealed.

2. The said John Auld, as such tutor, or his successor in office, may, at his discretion, leave the sums of money coming from the sale of the said real estate or any part thereof, in the hands of the purchaser or purchasers, on the security of the privileged hypothec of *bailleur de fonds*, or he may take and receive the said purchase money, and invest it in dominion stock or in permanent stock of the city of Montreal, or in permanent stock of this province, or in any legally incorporated bank doing business in this province, as he may judge most advantageous; and the said

How purchase  
money may be  
invested.

purchase money, in and as far as the same relates to the said John Auld, as such tutor, or his successor in office, shall be in lieu of the said real estate, and the annual interest, issues and profits of such purchase money and all increase thereof shall represent for all legal purposes the annual issues and profits of the said real estate.

Valuation of  
lots not sold to  
be renewed  
every 2 years.

3. The valuation required by the first section of the present act, shall be renewed every second year, if the lots of land so valued have not been sold during that space of time.

## C A P. L X V I .

An Act to authorize John Racey to alienate certain real estate belonging to his minor children.

[Assented to 24th December, 1870.]

### Preamble.

WHEREAS John Racey, of the city of Quebec, Esquire, physician and surgeon, has, by his petition, represented that the late John Racey, in his lifetime, of Qubeec, esquire, and Dame Sarah Robinson, his wife, have, by their respective wills, dated at Quebec, the fifteenth day of February, eighteen hundred and fifty, devised and bequeathed the usufruct of certain immovable property, described at length in the said petition unto dame Susanna Withington Wise and the property thereof to the said John Racey and his children, with substitution in the event of his dying without issue in favor of Joseph Robert Racey and his children, and in the event of the latter dying without issue, in favor of George Edmund Racey and his children, and in the event of the last named legatee dying without issue, in favor of Susan Cooke Racey and Margaret Sarah Racey, to be equally divided among them both; whereas the said testator and testatrix departed this life many years ago and the said Susanna Withington Wise has become and is now possessed of the aforesaid usufruct; whereas the keeping of the said property is difficult and onerous, and that the same is partly wholly unproductive and for the remainder, of little utility to the petitioner and to the said usufructuary legatee, and that it would be desirable and of greater advantage to the legatees and substitutes above mentioned, to alienate the said immovable property, and to invest the proceeds conformably to the intention of the said wills; whereas the said usufructuary legatee, Susanna Withington Wise, has joined the said John Racey to demand that his petition be granted; Therefore,

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said John Racey may, with the authorization of a judge of the superior court, given upon the advice of friends and relations, declaring the said alienation to be useful or profitable, sell or otherwise alienate, in one or more lots, from time to time, according as he may judge proper, the lands and property hereinafter described, as follows, to wit :

"1. The property, known under the name of 'Colerne Cottage,' situate in the parish of Beauport, comprising four lots of land near a mill, the property of James McCallum or his representatives, on the river Ste. Marie, and designated under the letters A. B. C. and D. in a plan drawn by Benjamin Lécuyer, provincial land surveyor, and annexed to the deed of sale by Pierre Séguin and his wife to the said late John Racey, dated at Quebec, before Mtre. Panet and colleagues, notaries public, the eighth of July eighteen hundred and twenty-four, and the real estate, acquired by the said John Racey, through the deed of sale above recited ;

"2. A woodland situate in the parish of Beauport aforesaid, containing one by twenty-five arpents, bounded on the north east side by Pierre Parent, and on the south west side by Pierre Chalifour ;

"3. Another woodland situate in the parish of Beauport aforesaid, in the St. Louis range, containing twenty-five arpents by half an arpent at one end and one arpent and a half at the other end, bounded on the north east side by Alexandre Parent, and on the south west side by Louis Poitevin and Charles Chalifour," and to execute titles valid in law, for the said lands and property so sold and alienated.

2. The said John Racey may, upon being so authorized, leave the sums of money coming from the sale of the said property or any part thereof, in the hands of the purchaser or purchasers, on the security of the privileged hypothec of *bailleur de fonds*, or he may, on giving security to the satisfaction of the judge, that the said moneys will be employed in the manner hereinafter set forth, take and receive the said purchase money and invest it in dominion stock, or in landed security of this province, or in any legally incorporated bank doing business in the province of Quebec, or in bonds of the corporation of the city of Quebec, as he may judge most advantageous ; and the said purchase money, in so far as the same relates to the said usufructuary legatee and substitutes, shall be in lieu of the said lands and property, and shall be considered as real estate, and the annual interest, issues and profits of such purchase money and all increase thereof shall represent for all legal

John Racey may after certain formalities sell certain property of his minor children.

How purchase-money may be invested.



How moneys  
shall be em-  
ployed.

purposes, the annual issues and profits of the said lands and property, and the said purchase money, capital and interest and revenues shall remain subject, both as to usufruct and as to property, to the dispositions contained in the wills of the late John Racey and his wife, Sarah Robinson, hereinabove referred to.

What proof  
shall suffice to  
release sure-  
ties.

3. The said moneys shall be employed in the name of the Racey succession, the interest thereon shall be received by the person or persons who, under the said wills, would be entitled to the usufruct of the said real estate, and the principal shall not be drawn except by the person or persons who, under the said wills, have become incommutable proprietors of the said real estate.

4. The certificate, or any other legal proof, of the deposit or employment of the said purchase money shall be held as proof that the objects of the bail-bond have been fulfilled, and shall be sufficient to obtain the radiation of all hypothecs which the surety or sureties may have effected.

## CAP. LXVII.

An Act to legalize a marriage settlement entered into between Arthur Wellesley White and Caroline Charlotte Young.

[Assented to 24th December, 1870.]

Preamble.

WHEREAS Arthur Wellesley White, a Lieutenant in Her Majesty's Royal Regiment of Artillery, lately residing in the city of Quebec, Caroline Charlotte Young, his wife, and the reverend Richard W. Norman, of the city of Montreal, Clerk in Holy Orders, have by their petition represented :

That on the fourteenth day of March, one thousand eight hundred and seventy, a certain contract of marriage was entered into between the said Arthur Wellesley White and Caroline Charlotte Young, at the city of Montreal, before J. T. Hunter, Notary public, in the words following :

"Be it remembered, that on the fourteenth day of March, in the year of our lord one thousand eight hundred and seventy, before the undersigned notary public, duly commissioned and sworn in and for the province of Quebec, in the Dominion of Canada, residing in the city of Montreal, in the said province,

"Personally came and appeared Arthur Wellesley White, esquire, a lieutenant in Her Majesty's royal artillery, at present stationed at the city of Quebec, stipulating for himself and in his own name, of the first part, and Miss Caroline Charlotte Young, of the city of Montreal, a minor, issue of the marriage of the late Robert A. Young and Dame Mary Charlotte Norman, his wife, deceased, she, the said Caroline Charlotte Young, being duly authorized for the purposes hereof by her tutor, the Reverend Richard W. Norman, in his said capacity, being specially authorized hereto by *acte* of authorization duly homologated by Hubert Papineau and Honey, prothonotary of the superior court for the district of Montreal, the fourteenth day of March instant, (1870), of the second part ;

"Which said parties hereto, in the presence of me, the said notary, have, in view of the marriage which it is intended by God's permission shall be had and solemnized between them, the said Arthur Wellesley White and Caroline Charlotte Young, made and entered into the following stipulations, covenants, provisos and agreements, for the disposal of the property which they now own or which they may hereafter acquire, to wit. :

"*Firstly*.—No community of property, *communauté de biens*, shall at any time hereafter exist between the said Arthur Wellesley White and Caroline Charlotte Young, notwithstanding the *Coutume de Paris* and the Common Law of the country, from which they, the said parties hereto, do by these presents expressly derogate, and the provisions whereof they renounce, it being expressly understood by and between the said parties that they shall, each of them, be separated from the other as to property, *séparés de biens*, to all intents and purposes ;

"By reason whereof the said parties hereto shall and will severally and respectively purchase and acquire, out of their own proper moneys, real or personal property to any extent or value whatsoever or wheresoever the same may be situate without the participation, authority or control of the other ;

"To the effect whereof the said Arthur Wellesley White doth hereby authorize the said Caroline Charlotte Young, so far as the same may be necessary ;—And the said parties hereto shall and will, severally and respectively, have, possess and enjoy and dispose of their several and respective estates and property, real and personal, movable and immovable, which they now own, or which they may hereafter acquire by gift, legacy, purchase, inheritance or otherwise, as their own separate properties and estates, in every respect absolutely clear and exonerated, free and discharged of and from all and every debt, incumbrance, mortgage,

claim and demand of every kind whatsoever proceeding from the act or promise of the other, in as ample a manner as if they had remained single ;

" The property now belonging to the said Caroline Charlotte Young consists of her wearing apparel, jewelry, trinkets and paraphernalia, and of her undivided fifth part in the estates of her deceased father and mother, the late Robert A. Young and Mary Charlotte Norman, as contained in the inventory of such estates, executed on the twelfth day of January, eighteen hundred and sixty-nine, before the undersigned notary.

" *Secondly.*—All linen, plate, plated-ware, marked with the said initials or bearing the crest of the said Caroline Charlotte Young or of her family, and all effects, jewelry, trinkets, wearing apparel and ornaments used by her personally, shall be considered and taken as belonging to her of right, without her being held to prove the property thereof.

" *Thirdly.*—The said Arthur Wellesley White shall and will pay and bear all the household expenses, as also all necessary maintenance, support, apparel and other personal requisites for the said Caroline Charlotte Young, after the said intended marriage, and shall also procure for the child or children which may be born of the said marriage, the necessary support, wearing apparel and education, without the said Caroline Charlotte Young or her property being in any way held liable for the same or any part thereof.

" *Fourthly.*—And in further view of the said intended marriage, they, the said Arthur Wellesley White and Caroline Charlotte Young, for and in consideration of the love, affection and esteem which they have and bear to each other, have mutually given, granted and confirmed, and by these presents do give, grant and confirm unto the survivor of them accepting hereof, that is to say, the usufruct and enjoyment during his or her lifetime (as the case may be) of all and singular the property, real and personal, of the one dying, in case only of there being default of lawful issue of the said contemplated marriage surviving the party so dying ; it being hereby expressly agreed that the fact of such issue so surviving shall *ipso facto* annul said donation.

" *Fifthly.*—And it is further agreed and expressly understood by and between the said parties, that no dower of any description, either customary or stipulated (*dotaire coutumier ou prefix*) shall be or exist either in favor of the said Caroline Charlotte Young or of the child or children which may be born of the said intended marriage to all

which dower and right of dower the said Caroline Charlotte Young doth hereby expressly renounce, as well for herself as for the child or children which may be born of the said intended marriage, and doth in this respect derogate from the *Coutume de Paris*.

"And under the authority aforesaid, the said Caroline Charlotte Young, by and with the consent of all the said other parties hereto, did and doth hereby assign, transfer and make over to the said Reverend Richard W. Norman, accepting thereof, as trustee, all and singular her said undivided fifth part in the aforesaid estates of her said deceased parents, to have and to hold the same in trust, to pay the nett annual revenue thereof only to her, the said Caroline Charlotte Young, and on her own private receipt, and in case of her death without lawful issue of said marriage, to the said Arthur Wellesley White, should he survive her, and during his lifetime only, it being hereby expressly agreed and understood that, so long as the said Caroline Charlotte Young shall be alive, the said nett revenue shall be absolutely free from all marital control on the part of the said Arthur Wellesley White; and on the decease of the said Caroline Charlotte Young, leaving such lawful issue aforesaid, in trust, to pay over such nett annual revenue aforesaid to such lawful issue during minority, and to divide and pay over the capital of such property among such issue on their respectively attaining the age of majority, and in trust also, in case of default of such issue, to divide and pay over such capital on the decease of the said Arthur Wellesley White amongst the heirs and legal representatives of the said Caroline Charlotte Young.

"And to cause these presents to be registered or *insinuées* wherever the same may be necessary, the parties have elected the bearer hereof their attorney, to whom all necessary power and authority to that effect is hereby given.

"And for the execution hereof, the said parties have made election of domicile at their ordinary places of abode above-mentioned, where, &c.

"Done and passed at the said city of Montreal, at the residence, in University street, of Thomas K. Ramsay, esquire, Queen's Counsel, under the number fifteen thousand, seven hundred and thirty-one, and signed by the said parties with me, the said notary, these presents having been first duly read."

That afterwards, to wit: at Montreal aforesaid, on the fourteenth day of March, one thousand eight hundred and seventy, the said Arthur Wellesley White and Caroline Charlotte Young were duly united in Holy Matrimony according to the rite of the United Church of England and Ireland.

That the said Arthur Wellesley White and Caroline Charlotte Young had previously, to wit: on the twelfth day of the said month of March, eighteen hundred and seventy, been married at St. Alban's in the state of Vermont, according to the form required by laws in force in the said state.

That the said Caroline Charlotte Young was then a minor and had not, at the time of such marriage, in the state of Vermont obtained the consent of her said tutor.

That by reason of the said marriage in the United States, doubts exist as to the validity of the said contract, and the rights of the said Arthur Wellesley White and Caroline Charlotte Young may be injuriously affected by the said doubts.

And whereas the petitioners have prayed that an Act be passed legalizing the said contract, and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain marriage contract rendered valid

1. The marriage contract between the said Arthur Wellesley White and Caroline Charlotte Young, passed before J. T. Hunter, Notary Public, on the fourteenth day of March, one thousand eight hundred and seventy, and recited in the preamble of this Act, is hereby declared to be of full force and effect, and as valid, to all intents and purposes, as if the same had been passed previous to the marriage of the said Arthur Wellesley White and Caroline Charlotte Young, at St. Albans, in the State of Vermont, on the twelfth day of March, one thousand eight hundred and seventy.

## CAP. LXVIII.

## Municipal Code of the Province of Quebec.

[Assented to 24th December, 1870.]

**W**HEREAS there exists in relation to municipalities a great number of statutes, from the multiplicity of which grave inconveniences result, and it is consequently expedient to consolidate, amend and arrange in methodical order, in one and the same code, the municipal laws of this Province; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, declares and enacts as follows:

## PRELIMINARY TITLE.

## EXTENT OF THE MUNICIPAL CODE; DECLARATORY AND INTERPRETATIVE PROVISIONS.

1. The Municipal Code applies to all the territory of the province of Quebec, excepting the cities and towns incorporated by special statutes.

2. The territory subject to the provisions of the municipal code is divided into county municipalities.

County municipalities include country, village or town municipalities.

3. The inhabitants and the rate-payers of every county, country, village, and town municipality, form a corporation or body politic, known, as the case may be, as "The Corporation of or of the (*inserting here the name of the municipality as given in the first title of the first book of this code, without the words "municipality of or of the"*.)

4. Every such corporation, under its corporate name, has perpetual succession, and may:

1. Acquire real or personal property by purchase, donation, devise, or otherwise, and hold and enjoy or alienate the same;

2. Enter into contracts, transact, bind and oblige itself and others to itself within the limits of its functions;

3. Sue and be sued in any cause and before any court of justice;

4. And generally exercise all the powers vested in it or

which are necessary for the accomplishment of the duties imposed upon it.

5. By-laws, resolutions, *procès-verbaux* or acts of apportionment of municipal roads, bridges or water-courses, rolls, lists, and generally all orders respecting municipal matters in force at the time of the promulgation of this code, remain in force within the territorial divisions for which they were made, until repealed, amended or annulled, under the authority of this code, save in special cases otherwise provided for.

They are subject to the application of articles 100, 461, 698 and those thereunto following; but the prescription of three months runs only from the date of the coming into force of this code.

6. Any oath required by the provisions of this code may be made before any warden, mayor, secretary-treasurer or justice of the peace, within their respective territorial jurisdictions.

Any person before whom any oath may be made is empowered, and required whenever he is called upon to do so, to administer the oath and deliver a certificate thereof to the party taking the same, without fee.

7. In any proceeding in which the rights of any municipal corporation are involved, no witness is inadmissible from the fact of his being an elector or a ratepayer of the municipality, or from his forming part of the municipal council.

8. Whenever any deposition or information is required to be given under oath, on behalf of any municipal corporation, such deposition or information may be given by any member or officer of the council.

9. Every justice of the peace and every person who refuses or neglects, without reasonable cause, to do any act or duty imposed upon him by the provisions of this code, or required of him in virtue of its provisions, incurs, over and above the damages caused, a penalty of not less than four nor more than twenty dollars, except in cases otherwise provided for.

10. The lieutenant-governor by an order in council, may revoke any order in council made by him in municipal matters either before or after the coming into force of this code.

11. Every person who wilfully tears down, injures or defaces any document whatsoever posted up in any public place, under the authority of the provisions of this code, incurs a penalty of not less than one nor more than eight dollars for every offence.

12. Whenever, according to the provisions of this code or of municipal by-laws, it is declared that any person must sign his name to any document whatsoever, such

person, if he is unable to write or sign his name, must affix his mark to such document, in the presence of a witness who signs.

This article does not apply to the head of the council, nor to municipal officers who, according to the provisions of this code, must be able to read and write.

**13.** The forms contained in the appendix to this code suffice in the cases for which they are given. Any other form, to the like effect, may also be employed.

**14.** Unnecessary allegations or expressions, used in any form or in any act whatsoever, in no manner affect the validity thereof, provided that, on their being set aside as surplusage, what is left is capable of being understood in the sense intended.

**15.** No act connected with municipal affairs, performed by a municipal council, its officers or any other person, is null or void solely on account of error or insufficiency in the designation of the corporation or of the municipality or of such act, or on account of insufficiency in or the omission of the declaration of the quality of such officers or person, provided no surprise or injustice result therefrom.

**16.** No objection founded upon form, or upon the omission of any formality even imperative, can be allowed to prevail in any action, suit or proceeding respecting municipal matters, unless substantial injustice would be done by rejecting such objection, or unless the formality omitted be such that its omission, according to the provisions of this code, would render null the proceedings or other municipal acts needing such formality.

**17.** In all cases in which it is declared by the provisions of this code that any person to be capable of filling any municipal office must know how to read and write, it is not sufficient that such person be only able to read print and to write or sign his name.

**18.** If in any article of this code, founded on the laws existing at the time of its promulgation, there is a difference between the French and English texts, that version shall prevail which is most consistent with the provisions of the existing laws.

If there be any such difference in an article modifying the existing laws, that version shall prevail, which according to the ordinary rules of legal interpretation is most consistent with the intention of the article.

**19.** The following expressions, terms and words, whenever they occur in this code or in any municipal by-laws or other orders, have the meaning, signification and application, respectively assigned to them in this article, unless the context of the provision declares or indicates the contrary :



1. The word "municipality" means solely the territory erected for the purposes of municipal administration. In every municipality bounded by a navigable or floatable river, the limits of the municipality extend to the middle of such river.

2. The terms "rural municipality" or "country municipality" include and mean parish municipalities, municipalities of part of a parish, of a township, of part of a township, of united townships, and generally every local municipality other than town or village municipalities.

3. The adjective "local," when it qualifies the words "municipality," "corporation," "council," "councillor," refers indifferently to country, village or town councils, councillors, corporations or municipalities.

4. The word "parish" means any territory erected into a parish by civil authority.

5. The word "township" means any territory erected into a township by proclamation. The French word "canton" has the same meaning.

6. The word "district" means a judicial district established by law, and refers to the district in which the municipality is situated.

7. The word "county" means a territory erected into a county, for the purposes of parliamentary representation, in the Legislative Assembly of the province. If two or more counties are united to constitute an electoral division, the word "county" means each of such counties severally.

8. The term "chief-place," means the locality where the county council holds its sessions.

9. The terms "circuit court of the county" or "county circuit court" mean the circuit court in and for the county; and if there is more than one circuit court in the county, they include all that are therein established.

10. The terms "magistrate's court" or "magistrate's court of the county," mean the magistrate's court established in the county by proclamation of the lieutenant-governor and presided over by the district magistrate.

11. The word "head of the council" applies equally to the warden of a county and to the mayor of a local municipality: the terms "head of a corporation," or "head of a municipality" are also used. The person referred to by the word "head" performs his duties under the name peculiar to his office, either as mayor or as warden.

12. The term "member of the council" means the head of the council or any councillor of the municipality.

13. The term "justice of the peace" refers also to the head of the council acting *ex-officio* as justice of the peace, under article 125.

14. The word "session" employed alone refers indifferently to an ordinary or general session and a special session.

15. The term "municipal office" includes all the duties or functions discharged either by the members or officers of a municipal council.

16. The word "appointment" means and includes every election made by the municipal electors and every appointment made by the lieutenant-governor or by the municipal council, whenever, by the terms of the context, it does not refer specially to one of these cases. This provision applies also to the term "appoint" and its derivatives.

17. The term "taxable property" means and includes only such real property as is subject to municipal taxation, and such personal property as is declared taxable by article 710.

18. The word "owner" or "proprietor" means every one having the ownership or usufruct of taxable property or possessing or occupying the same as owner or proprietor, or occupying crown lands under a location ticket; it applies to all co-proprietors, and to every partnership, association, wooden or iron railway company, or corporation whatsoever.

19. The word "occupant" denotes all persons who possess, hold or occupy any land under any title whatsoever or even without title.

20. The word "absent" denotes all persons whose domicile is without the limits of the municipality, nevertheless any person, corporation, iron or wooden railway company or any other company which has any place of business whatever in the municipality is deemed present, or domiciled in such municipality.

21. The word "rate-payer" means any proprietor, lessee, occupant or other individual, who by reason of the taxable property which he possesses or occupies in a municipality, is liable for the payment of municipal taxes or for the construction or maintenance of municipal works by contributions in materials, labor or money.

22. The term "municipal tax" means and includes : 1—all taxes and contributions in money imposed by municipal councils or under *procès-verbaux* and acts of apportionment; 2—all taxes and contributions in materials or labor imposed upon rate-payers for municipal works, under *procès-verbaux* or other municipal acts, and liquidated by a resolution of the council after special notice given to the rate-payers interested or by the judgment of any court; 3—all duties, fines or penalties declared in express terms "to be assimilated to municipal taxes" by the provisions of this code, municipal by-laws or any other law whatever.

23. The word "range" refers to a succession of neighboring lots usually abutting on the same line; it means also a "concession" or a "row (*côte*)" taken in the same sense.

24. The words "real estate" or "land" mean all lands or parcels of land in a municipality, possessed or occupied by one person or by several persons conjointly and include the buildings and improvements thereon.

25. The word "lot" means any land situated in any range as conceded or sold by the original title or by the oldest title that is to be found; it includes any subdivisions of such land made since the said concession or sale, with the buildings and other improvements thereupon.

26. The term "municipal bridge" means any bridge of eight feet in span or more, under the management of a municipal corporation. It does not include the bridges mentioned in article 883.

27. The word "road" includes high-roads, streets, lanes, front roads, and local or county by-roads.

28. The term "boundary line" or "boundary fence" means the fence or ditch dividing two adjoining private properties.

29. The word "month" means a calendar month.

30. The expression "following day" does not mean nor include holidays, except when an act may be done upon a holiday.

31. The words "intoxicating liquors" or "strong liquors" mean all spirituous or malt liquors, all wines, and every mixture of liquors or drinks, whereof any part is intoxicating.

32. The word "bond" or "debenture" means and includes all debentures issued by municipal corporations for the purpose of raising money.

33. Every lot or piece of land is described by its number and by the name of the range or street, or by the limits and abutments thereof, if it cannot be otherwise sufficiently described.

In every municipality included in a registration division, in which the provisions of article 2168 of the civil code, respecting the plan and book of reference, are in force, the description of every lot of land is given by the corresponding number upon the plan and in the book of reference; if the land forms part of a numbered parcel of land, it is described by declaring that it forms part of such parcel of land; if it is composed of portions of more than one numbered parcel of land, it is described by declaring that it is so composed, and by indicating what portion of each numbered parcel of land it contains.

34. Every iron or wooden railway company must make and maintain the works to fences and on roads, bridges and water-courses owned or occupied by it in any municipality, and is subject to the provisions of the law and of the municipal by-laws, *procès verbaux* or orders passed for such purpose, in the same manner as the other rate-

payers of the municipality, except in so far as the contrary is prescribed by this code.

**22.** Such company or its taxable property cannot in any manner be made liable, in virtue of *procès verbaux* or of by-laws made under articles 528, 794, 855 and 884 for works of such nature, or any land other than that owned or occupied by it, nor can it be subjected to the imposition or payment of taxes levied for works to municipal water-courses, bridges or roads, or to contribute to the building of any iron or wooden railway in the municipality.

Should such company neglect or refuse to perform the works for which it is liable in virtue of the preceding article within the prescribed delay, no municipal council or officer can perform such works or cause the same to be performed; but the company is liable, in addition to the damages occasion by its neglect or refusal, to a fine of twenty dollars for each day during which such neglect or refusal continues.

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## BOOK FIRST.

### ORGANIZATION OF MUNICIPAL CORPORATIONS.

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#### TITLE FIRST.

##### ERECTION OF MUNICIPALITIES.

###### *Preliminary Provision.*

**23.** Every territory which, after this code comes into force, is declared by the provisions hereof to form of itself a distinct county or local municipality, dates its formation as such municipality, under its corporate name, from the first day of the month of January, following the time when such territory falls within the required conditions.

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#### CHAPTER FIRST.

##### ERECTION OF COUNTY MUNICIPALITIES.

**24.** Every territory erected into a county, at or after the time when this code comes into force, for the purposes of parliamentary representation in the legislative

assembly of the province, constitutes by itself a county municipality, under the name of "The municipality of the county of (*name of county*)."

A county united to another county, to constitute an electoral division, does not cease to form by itself a separate county municipality.

25. Nevertheless if any local municipality is situated partly in one county and partly in another, such local municipality continues to form part of the county municipality in which it was placed under the law which established it.

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## CHAPTER SECOND.

### ERECTION OF LOCAL MUNICIPALITIES.

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#### SECTION I.

##### RURAL MUNICIPALITIES.

26. Every territory which, at the time when this code comes into force, has been erected in virtue of the consolidated municipal act of Lower Canada, or of any amendment, or subsequent special act, into a municipality of a parish, of part of a parish, of a township, of part of a township, of united townships, or into any country municipality whatsoever, continues, to form a local municipality operating under the provisions of this code, under the name indicated by the law under which it was erected, until such time as it may be otherwise directed under the authority of this code.

Corporations or municipalities which have had rights and privileges conferred on them by special and exceptional provisions of law, continue in the enjoyment of the same, except in so far as the number of councillors is concerned, which must be in accordance with article 276.

27. All other territories, except those already erected into town or village municipalities, form, at the time when this code comes into force, or thereafter, local municipalities, under the subsequent provisions of this section, if they fall within the requirements to this end necessary; if not, they must be annexed to adjoining municipalities in the county, in virtue of the provisions of this section.

28. Every territory not erected into a local municipality, or every territory of which the council is not organized, is, until it be annexed to an adjoining local municipality or until the council thereof be organized, administered and regulated by the county council and its officers, under their usual names and with the same privileges.

rights and obligations, as if such council and officers were the local council and officers of such territory.

The inhabitants and rate-payers of such territory so governed by the county council and its officers are alone subject to all municipal obligations arising either from the law or from the municipal acts in force therein, in the same manner as if such territory was organized into a municipal corporation.

§ I.

*Of Municipalities of a Parish or part of a Parish.*

**29.** Every territory erected into a parish, and situated entirely in one and the same county, forms of itself a parish municipality, within its whole extent, save and except any parts thereof included in any township, or in any town or village municipality.

**30.** Whenever a territory not forming part of a township, or of a town or village municipality, is annexed to a parish in the county by civil authority or by the legislature, such territory, without further formality, forms part of the municipality of such parish, from the date of its annexation to the parish, and is subject to articles 43 and 44.

**31.** If a part only of a parish is situated in a county, this part of a parish forms, of itself, a municipality of a part of a parish, provided it has a population of at least three hundred souls.

If such part of a parish has not a population of three hundred souls, it must be annexed to an adjoining rural municipality in the county.

**32.** The county council may, by a resolution after public notice to that effect has been duly given, previous to the passing thereof, and approved and published in the manner prescribed by article 41, erect into a parish municipality, under the name which belongs to it according to the rules prescribed, any territory included in one or more townships or parts of townships, whether or not erected into municipalities, and which has been constituted into a civil parish, provided that such parish contains a population of three hundred souls and is wholly situate in the county.

When a part only of such civil parish is situate in the county, such part of a parish, if it contain a population of three hundred souls, may in the same manner be erected into a municipality of part of a parish.

**33.** The county council may, in the same manner, annex to a parish municipality, any territory situated in one or more townships or parts of townships, whether erected or not into municipalities, when such territory has

been already joined to such parish for civil purposes, provided that such territory and parish be entirely situate in one and the same county.

**34.** The name of a parish municipality is "The municipality of the parish of [*name of the parish.*"]

The name of a municipality of part of a parish, is "The municipality of the \* \* \* \* part of the parish of [*naming the parish and substituting in place of \* \* \* \* the word north, south, east or west, according as such municipality is situated in one of these directions in relation to the principal part of the parish.*"]

## § II.

### *Of Municipalities of a Township or of part of a Township.*

**35.** Any territory erected into a township, situated entirely in one and the same county, and having a population of at least three hundred souls, as appears by the last census or otherwise, forms of itself a township municipality.

A township with a population of less than three hundred souls, must be annexed to an adjoining rural municipality, in the county.

**36.** Whenever any territory which does not already form part of a local municipality, is annexed by proclamation to any township in the county, such territory, from the date of its annexation to the township, forms part of the municipality of such township without any other formality.

**37.** If a part only of a township is situated in a county, such part of a township forms, of itself, a municipality of part of a township, when it has a population of at least three hundred souls.

If such part of a township has not a population of at least three hundred souls, it must be annexed to an adjoining rural municipality in the county.

**38.** The name of a township municipality is "The municipality of the township of (*name of the township.*)"

The name of a municipality of part of a township is "The municipality of the \* \* \* \* part of the township of (*naming the township and substituting in place of \* \* \* \* the word north, south, east or west to suit the case.*)

## § III.

### *Of United Township Municipalities.*

**39.** The county council may, by a resolution sanctioned and published in the manner prescribed by article 41, unite two or more townships situated wholly within the

limits of the county, to form conjointly one local municipality, provided that the population of each of these townships does not amount to three hundred souls, and that the total population of these townships united amounts to at least three hundred souls.

40. From the first day of the month of January which follows the approval by the lieutenant-governor of the resolution declaring such union, the townships so united form a local municipality under the name of "The municipality of the united townships of (*name of the townships.*)"

#### § IV.

##### *Annexation of a Territory to a Rural Municipality.*

41. The annexation of any territory to a rural municipality, in the cases prescribed by the provisions of the preceding paragraphs, is made by a resolution of the county council.

This resolution must be approved by the lieutenant-governor in council, and published within the fifteen days which follow the receipt of his approval, by the secretary-treasurer, in the manner prescribed for public notices, and, moreover, by two insertions in one or more newspapers and in the official Gazette of the province.

42. The territory thus annexed to the rural municipality becomes part of such municipality, for all municipal purposes, from the first day of the month of January, which follows the publication of the resolution.

43. The members and officers of the council of the municipality to which a territory has been annexed, in office at the time of the annexation, remain in office, and form the municipal council or are the officers of the whole municipality as constituted after the annexation.

44. The by-laws, orders, lists, rolls or municipal acts, which governed the territory before its annexation, continue in force for such territory, subject nevertheless to the application of provisions of chapter three of this title, until repealed or amended by the municipal council; and those which governed the municipality before the annexation do not apply to the annexed territory until they have been declared applicable to it by the same council.

Nevertheless the by-laws hereinbefore first mentioned, can neither be repealed nor amended, nor those hereinbefore last mentioned, declared applicable to such annexed territory, by the municipal councillors in office at the time of such annexation, so long as they do not fill their offices in virtue of a new appointment.



## § V.

*Separation of a Territory Annexed or United to another.*

**45.** If it appears by a general census, or special census or enumeration of the inhabitants, that the territory which has been annexed to a rural municipality, or united to another territory for the purpose of forming a united township municipality, contains a population of at least three hundred souls, the county council may, by resolution, divide such territory for the purpose of establishing within its original limits, a distinct local municipality, or municipalities as the case may be, provided that the territory which remains, retains a population of at least three hundred souls.

This resolution must be approved and published in the same manner as those passed in virtue of article 32 and 41.

**46.** From the first day of the month of January which follows the approval of the lieutenant-governor, the territory so separated forms of itself a distinct local municipality, under its proper name, according to the rules already established.

**47.** The county council must cause a special census of the inhabitants of a territory which has been annexed or united in virtue of the provisions of this chapter, to be made by one of its officers or by a person appointed for that purpose, whenever required to do so, by at least two persons resident in such territory and who offer sufficient security for the payment of the cost in the case mentioned in the following article.

**48.** If it appears from such census that such annexed or united locality does not contain a population of three hundred souls, the cost of such census must be repaid to the council by the persons who demanded the same, or by their sureties.

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SECTION II.

## OF TOWN AND VILLAGE MUNICIPALITIES.

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§ I.*Of existing Town and Village Municipalities.*

**49.** Every territory erected at the time when this code comes into force, into a village municipality, under the authority of any statute whatsoever, continues to form a village municipality, governed by the provisions of this code.

Such village municipalities, are designated and known under their corporate name, according to the provisions of the law under which they were erected.

**50.** The town and village municipalities, specified in the two preceding articles, are designated and known under the corporate name which belongs to them according to the provisions of the law under which they were erected.

## § II.

### *Erection of New Village Municipalities.*

**51.** Every territory forming part of a rural municipality and containing on any one of its parts, at least forty inhabited houses, within a space not exceeding sixty superficial arpents, may be erected into a village municipality, by a proclamation of the lieutenant-governor issued after the observance of the formalities prescribed in this paragraph.

**52.** The county council, on presentation of a petition signed by two-thirds of the municipal electors residents of the territory which is sought to be erected into a village municipality, names a special superintendent charged to visit such territory for the purpose of establishing the number of houses thereon built and inhabited, and to report on such petition.

**53.** The special superintendent, after having made oath faithfully to perform the duties of his office, gives public notice to the inhabitants of the rural municipality concerned, of the day and hour at which he is to commence his visit and make the examination of the territory described in the petition.

At the time and place fixed he must give a hearing to every interested party who appears, and receive from such party any objection or opposition, whether written or verbal.

**54.** The special superintendent must set forth in his report to the council:

1. The number of houses built and inhabited on the territory in question;

2. The number of the houses built and inhabited, within a space not exceeding sixty superficial arpents, on any part whatsoever of the territory;

3. A clear and precise description of the limits, which, in his opinion, should be given to the territory which is sought to be erected into a village municipality;

If the limits described in the report differ from those set forth in the petition the special superintendent must state the reasons of such discrepancy.

**55.** The report of the special superintendent must be

accompanied by a plan of the territory in question, distinctly shewing:

1. The limits defined in the report;
2. Those defined in the petition if they differ from those defined in the report;
3. Streets opened;
4. Streets projected;
5. Lots built upon;
6. Lots vacant.

After having made and signed his report, the special superintendent deposits it with the plan accompanying it, together with a copy of each, in the office of the county council.

**56.** The secretary-treasurer must give public notice of the filing of such report, to the inhabitants of the rural municipality from which it is proposed to separate the territory in question, indicating at the same time the place where communication of the report and the plan may be taken by those interested, dating from the publication of such notice.

**57.** The county council may reject or homologate, with or without amendment, the report of the special superintendent, within two months from the publication of the notice of the filing of such report at the office of the council.

It cannot, however, proceed to the consideration and amendment of the report without first giving public notice to the inhabitants of the rural municipality concerned, of the day and hour at which its proceedings are to commence, and after having heard all interested parties, including the special superintendent, if such hearing is required.

**58.** The amendments made by the county council to the special superintendent's report must be entered on the original and the copies lodged in the office of the council, or on sheets of paper thereunto annexed.

**59.** At the expiration of two months from the publication of the notice of its deposit, the report of the special superintendent is held to be homologated as it then is, unless in this interval it has been rejected or expressly homologated by the county council.

**60.** After the homologation of the special superintendent's report, under article 57 or article 59, the secretary-treasurer is bound to transmit to the provincial secretary a copy of the report and any amendments which may have been made, as well as of any other document connected with it, together with either the plan or a copy of the plan of the territory in question.

**61.** The lieutenant-governor may, by an order in council, approve or reject the said report with its amendments, or may modify it or amend it anew.

**62.** If the report is approved, with or without amendment, the lieutenant-governor issues a proclamation erecting the territory described in the report into a village municipality, and declaring its name and defining its limits.

**63.** The proclamation comes into force on the first day of January after it has issued.

It must be published in the official Gazette of the province; and two copies certified by the provincial secretary must be sent to the office of the county council.

**64.** The secretary-treasurer of the county council gives public notice of the issuing of the proclamation erecting such village municipality, and transmits one of the copies of such proclamation to the mayor of the new municipality, as soon as he is appointed.

**65.** From the date of the proclamation coming into force, the territory, as defined in such proclamation, is detached from the local municipality of which it formerly made part, and becomes a distinct village municipality under its corporate name.

The remaining part of the municipality, if it contains a population of at least three hundred souls, continues to form a distinct municipality under its corporate name, the members and officers of the council, then in office, remain in office as if the erection of the village municipality had not taken place, the provisions of article 283 to the contrary notwithstanding.

**66.** The by-laws, orders, rolls or municipal acts which governed the territory before its erection into a village municipality, continue in force after such erection subject to the application of the provisions of chapter three of this title, until they are amended or repealed by the village council.

**67.** The name of a village municipality is "The municipality of the village of (*name of the village.*)"

### § III.

#### *Erection of New Town Municipalities.*

**68.** The lieutenant-governor in council may, by proclamation, erect a territory forming a village municipality, into a town municipality if he deems it in the interest of such municipality and its inhabitants so to do.

**69.** The proclamation issued in virtue of the preceding article must be published in the official Gazette of the province and comes into force on the first day of the month of January after it has issued.

A copy of it must be sent to the office of the county council, and another to the office of the council of the village municipality, which has been erected into a town municipality.

The secretary-treasurer of such municipality must give public notice of the issuing of the proclamation, immediately on receipt of a copy thereof.

**70.** The by-laws, orders, rolls or municipal acts which governed the territory before its erection into a town municipality, continue in force after such erection, until they are amended or repealed by the town council.

**71.** The name of a town municipality is : " The municipality of the town of (*name of the town.*)"

#### § IV.

##### *Annexation of a Territory to a Town or Village Municipality.*

**72.** Every territory forming part of a rural municipality, adjoining a town or village municipality, situated in the same county as such town or village, and inhabited in the proportion of at least forty families within an area of sixty superficial arpents, may, by a resolution of the county council be annexed to such town or village municipality.

**73.** Articles 41, 42, 43 and 44, apply equally to annexations of territory made under the preceding article.

#### § V.

##### *Annexation of a Town or Village Municipality to an adjoining Local Municipality.*

**74.** Every town or village municipality, may be annexed to another adjoining local municipality in the county, by proclamation of the lieutenant-governor, on a petition signed by at least two-thirds of the electors of such town or village municipality, as well as by two-thirds of the electors of the municipality to which such first-named municipality is sought to be annexed.

**75.** Such proclamation comes into force on the first day of January following the date of its issue.

**76.** From the date of such proclamation coming into force, the town or village ceases to form of itself a distinct municipality, and forms part of the municipality to which it has been annexed.

**77.** The provisions of articles 43 and 44 apply also to every annexation made in virtue of article 74.

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## CHAPTER THIRD.

EFFECT OF THE CHANGE OF THE LIMITS OF A MUNICIPALITY  
UPON THE OBLIGATIONS AND RIGHTS OF RATE-PAYERS.

## SECTION I.

*Settlement and Division of Joint Debts.*

**78.** The taxable property comprised in a territory newly erected into a municipality, or annexed to another municipality, or simply separated from a municipality without forming part of any other, whether by special act or under the authority of the provisions of this code, continued bound and obliged for all debts and obligations contracted before the change of limits, the separation, or the erection into a new municipality of such territory.

**79.** The council of the municipality from which a territory has been separated, is alone authorized and bound to settle their joint debts and obligations with the creditors.

But if any whole municipality which no longer forms of itself a distinct municipality, is divided and must be annexed to one or more municipalities, or must form two or more new municipalities, or must be in part annexed to one or more municipalities and in part form one or more new municipalities, the only municipal council authorized and obliged to settle the joint debts and obligations with the creditors, is that which governs the territory which contains within its limits the place where the council sat at the time of such separation or division.

If in the case of the preceding provision, the place where the council sat at the time of the division or separation, was in a village or town municipality, distinct from the divided or separated territory, the only municipal council authorized and obliged to settle the joint debts and obligations with the creditors, is that which governs the territory including within its limits the greater part of the divided or separated municipality.

**80.** All suits brought in reference to the settlement and payment of such debts and obligations, may be brought in the district or in the county in which is situated the chief place of the council bound to settle such debts and obligations.

**81.** The settlement and division of joint debts and obligations must be based on the value of the taxable property liable for such debts and obligations according to the valuation roll in force at the time when such limits were changed.

**82.** The council bound for the settlement of joint debts and obligations, and its officers, are authorized to collect,

throughout the whole territory liable for such debts and obligations, the taxes imposed for the payment of the same, by the by-laws in force at the time of the change of limits, or to impose thereon by by-law, new taxes, to effect the full payment of such debts and obligations, with all the rights and powers conferred upon the council and its officers, that governed the same before the division and separation of the territory.

**83.** Nevertheless if any land liable for such taxes is not situated in the county municipality in which such council and officers have jurisdiction, such land cannot be sold in default of payment of such taxes, except within the county municipality in which it is situated; and the secretary-treasurer, entrusted with the collection of such moneys, must transmit a statement thereof, within the time required, to the secretary-treasurer of such county municipality, who must, in default of payment of the taxes for which such land is liable, proceed to the sale of the same in the usual manner.

**84.** The council bound to settle the joint debts and obligations may, by mutual agreement with the council entrusted with the municipal administration of any other part of the territory liable for the payment of such debts and obligations, determine the total amount jointly due by all the owners or occupants of the taxable property comprised within such part of the territory.

This agreement is made in conformity with resolutions previously passed for that purpose by the councils interested therein, and can only include debts and obligations liquidated and demandable.

**85.** The share established by the deed of agreement becomes a debt demandable, by the council bound to settle the joint debts and obligations, according to the terms of the agreement, of the municipal corporation whereof the council became a party to such deed, and may be recovered by the latter and its officers from the rate-payers liable for such debts and obligations, as well under the by-laws in force at the time of the deed of agreement as under new by-laws which such council may make for such purpose.

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## SECTION II.

### *Division of Common Property.*

**86.** Property consisting in sums of money, assets, effects, movables or immovables, belonging to the corporation at the time of a change of limits, or of the separation of any territory, with the exception of those mentioned in the following article, must be divided in the same manner as joint debts.

87. The books, registers, plans, rolls, lists, documents, papers or records of the corporation remain the exclusive property of the council which is bound to settle the joint liabilities.

88. The council bound to settle the joint liabilities is alone authorized to collect and settle all arrears of municipal taxes and all other assets due before the change of limits, by itself or by its officers, with the same rights and powers as those conferred upon the council and officers authorized to collect and settle them before such change of limits.

89. Such council may nevertheless convey by deed of agreement to the council entrusted with the municipal administration of any other part of the territory which was included in the old municipality, for the benefit of the rate-payers of such part of the territory, all arrears of municipal taxes and all other assets arising out of the taxable property included in such part of the territory ; and the council to which such conveyance was made and its officers are authorized to collect and settle such arrears and assets, with all the rights and powers possessed by the council making such conveyance and its officers.

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### SECTION III.

#### *Miscellaneous Provisions.*

90. No rate-payer of a territory detached or separated from a local municipality before or after the coming into force of this code is obliged, in virtue of any *procès-verbal*, act of apportionment, by-law or order, in force at the time of the change of limits, to perform work upon municipal roads or bridges up to that time deemed to be local, and situated in the remaining part of the local municipality from which such territory has been detached or separated.

The same rule applies to the rate-payers of any local municipality from which any territory has been detached or separated, before or after the coming into force of this code, respecting works of a similar nature situated within the limits of such territory.

91. No territory annexed to a municipality, is liable for the payment of debts and obligations contracted by the corporation of such municipality before the annexation.

92. The council of every newly organized municipality, and of every municipality which comprises or governs a territory detached or separated from another municipality, is entitled to obtain certified copies of all by-laws, resolutions, orders, *procès-verbaux*, rolls, papers, books, plans or docu-



ments which have reference to such new municipality or to such territory, from the council in whose possession they are, on payment of ten cents for each hundred words.

The council requiring such copies may have them made by one of its officers, on payment of fifty cents for each certificate made or thereunto affixed by the secretary-treasurer or other officer in charge of such documents.

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## TITLE SECOND.

### PROVISIONS COMMON TO ALL MUNICIPAL CORPORATIONS.

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## CHAPTER FIRST.

### OF THE MUNICIPAL COUNCIL.

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#### SECTION I.

##### *General Provisions.*

**93.** Every municipal corporation is represented by its council: its powers are exercised and its duties discharged by such council and its officers.

**94.** Such council is recognized and styled by the name of "The municipal council of or of the (*insert the name of the municipality without the words municipality of or of the*)."

**95.** The council has jurisdiction throughout the entire extent of the municipality, the corporation of which it represents, and beyond the limits of the municipality in special cases where more ample authority is conferred upon it.

Its orders, within the scope of its powers, are obligatory upon all persons subject to its jurisdiction.

**96.** The municipal council may appoint committees, composed of as many of its members as it judges convenient, and may delegate to them its powers respecting the examination of any question, the management of any business or particular kind of business, or for the execution of certain duties.

The committees must render account of their labors and their decisions by reports signed by their chairman or by a majority of the members who compose them; and no report or order whatever of a committee has any effect until it has been adopted by the council at a regular session, save in the case of article 98.

**97.** Every one who is entitled to be heard before the council or its committees, may be so heard in person or by

any other person acting on his behalf, whether authorized by power of attorney or not. He may also produce and examine witnesses.

**98.** The council or committees, on every question or matter pending before them, may,

1. Take communication of all documents or writings produced in evidence ;

2. Summon any person residing in the municipality ;

3. Examine under oath the parties and the witnesses produced by the parties, and administer or cause to be administered to them an oath or affirmation by one of their members or by the secretary-treasurer.

**99.** If any one so summoned before the council or the committees fails without just cause to appear at the time and place mentioned in the summons, when compensation has been paid or offered to him for his reasonable travelling expenses for going and returning, and fifty cents a day for his time, he incurs a penalty of not less than four or more than ten dollars, or imprisonment not to exceed fifteen days.

**100.** Any *procès-verbal*, roll, resolution or other order of a municipal council, may be set aside by the magistrate's court or by the circuit court of the county or district, by reason of its illegality, in the same manner, within the same delay, and with the same effect as a municipal by-law, and is subject to the provisions of articles 461 and 705.

**101.** Any council which has neglected to appoint its head, or its officers, or to fill any vacancy it was bound to fill, within the delays prescribed, may still make such appointment or fill such vacancy after such delay, unless the lieutenant-governor has already done so under the provisions of this code.

**102.** Any document, order or proceeding of a municipal council, the publication of which is required by the provisions of this code or by the council itself, must be published in the manner and at the places prescribed for public notices, except in cases otherwise provided for.

**103.** Any person producing or lodging any document relating to municipal matters in the office of the council, or before the council in session, is entitled to a receipt or acknowledgment certifying the production or deposit of such document, from the secretary-treasurer, or in his absence, from the person presiding at the council, if the council is in session.

Any secretary-treasurer or person presiding who neglects or refuses to receive any such document or to deposit the same in the archives of the council, or to give the required receipt, incurs a penalty of twenty dollars in each case, in addition to the damages caused by such refusal or neglect.

**104.** Documents produced as exhibits, and filed in the

office of the council or with its officers, must be returned on receipt, to the persons who produced the same, whenever they require them.

**105.** The office of the council is that which is occupied by the secretary-treasurer in his official capacity, and must be held within the limits of the municipality, except in the case of the following article.

**106.** The office of the council of a rural municipality, or of its officers, and the place where it holds its sessions, may be established in the municipality of a village, of a town or of a city, incorporated in virtue of this code or any other act, provided always, that such municipality of a village, town or city is contiguous thereto.

**107.** Every service, production or deposit, which should be made at the office of the council, may be made with equal validity, to a reasonable person at the domicile of the secretary-treasurer, or to the secretary-treasurer personally.

In such case, however, the receipt cannot be demanded unless the production or deposit has been made with the secretary-treasurer personally.

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## SECTION II.

### *Of the Members of the Council.*

**108.** Every member of the council, so soon as he is appointed, must make oath well and faithfully to discharge the duties of his office.

**109.** The oath which the head of a council shall have taken as councillor, does not exempt him from taking the oath of office as mayor or warden.

**110.** The oath of office of the councillors and of the head of the council may be taken before a justice of the peace, or before the head of the council then in office, and an entry thereof must be made in the book of the proceedings of the council.

**111.** A member of the council does not enter upon the discharge of his duties, until he has taken the oath of office.

**112.** The omission during fifteen days on the part of any member of a council to take the oath required for the office to which he has been appointed, constitutes a refusal to accept such office, and renders him subject to the penalties prescribed in such case.

**113.** The councillors do not receive any salary, profit or indemnity, in any shape whatsoever for their services.

**114.** The members of the council are unable to hold any subordinate offices under any municipal council

of which they are members, or under the county council, if they are members of one of the local councils of the county municipality.

**115.** No member of a council can be surety for the performance of the duties attached to an office under the council of which he forms part.

**116.** Every member of a council appointed in the place of another, whether it be as head of the council or as councillor, holds office for the remainder only of the period for which his predecessor had been appointed.

**117.** Any person appointed a local or county councillor, who illegally refuses to accept such office or to continue to perform the duties thereof, incurs a penalty of twenty dollars.

**118.** A member of council is deemed to have refused to continue to perform the duties of his office when he, for two months, refuses or neglects without, in the opinion of the council, reasonable cause, to discharge the duties of such office.

**119.** Any member who refuses to accept the office or to continue to perform the duties of the office to which he has been appointed in the council, or who is unable to perform such duties for three consecutive months, through absence, illness, infirmity, or otherwise, may at any time, until the vacancy caused by his refusal or incapacity to act be filled up, resume his duties and perform the same, if he is able to do so, without prejudice in any case to the costs of proceedings instituted against him, in the event of any such proceedings having been instituted.

**120.** No vote given by a person filling, illegally, the office of member of the council, and no act in which he participates in such quality, can be set aside solely by reason of the illegal exercise of such office.

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### SECTION III.

#### *Provisions specially applicable to the head of the Council.*

**121.** The head of the council exercises the right of superintendence over all the officers of the municipality, sees to the faithful and impartial execution of all municipal ordinances and by-laws, and communicates to the council any information or suggestion which he considers conducive to the interests of the municipality or its inhabitants.

**122.** He signs, seals, and executes, in the name of the council, all debentures, contracts, agreements or deeds made and passed by the corporation, unless the council provide otherwise.

**123.** It is his duty to read to the council, in session, all circulars or communications addressed to himself or the

council by the lieutenant-governor or by the provincial secretary, and, if it be required by the council or by the lieutenant-governor, to make them public in the municipality, in the manner required for public notices.

**124.** He is also bound to furnish to the lieutenant-governor, on demand, all information concerning the execution of the municipal law, and all other information which it may be in his power to give with the concurrence of the council.

**125.** The head of every council is *ex officio*, without other qualification and without being obliged to take the oaths prescribed for such office, a justice of the peace within the limits of the municipality wherein he exercises his office, so long as he continues in office.

He is incompetent to hear and decide all cases in which the corporation or its officers are interested parties.

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#### SECTION IV.

##### *Of the Sessions of the Council.*

**126.** Special sessions of any municipal council may be convened at any time by the head or by the secretary-treasurer or by two members of such council, by giving special notice of such session to all the members of the council, other than those summoning the same.

**127.** At a special session the subjects or matters mentioned in the notice calling the council together, can alone be taken into consideration.

The council, before proceeding to business at such session, must set forth and declare in the minutes of the sitting contained in the book of its deliberations, that the notice of meeting has been issued in conformity with the requirement of this code to all the members of the council who are not present at the opening of the sitting.

If it appear that the notice of meeting has not been served on all the absent members, the session must be immediately closed, under penalty of all its proceedings being null.

**128.** Every session commences at the hour of ten in the forenoon, unless otherwise determined by the notice of the meeting, by an adjournment, or a by-law or resolution of the council.

**129.** If the day fixed for an ordinary session by the provisions of this code or by municipal by-laws, falls upon a holiday, such session is held on the next following juridical day.

**130.** The sessions are held with open doors. Until otherwise ordained in virtue of article 467, each session consists of one sitting, unless adjourned.

**131.** The sessions of the council are presided over by its head, or in the event of there being no head, or in his default to act, or in his absence, by one of its members chosen from the councillors present. In the case of an equal division of votes in the choice of a presiding officer, the member present chosen by lot presides at the council board.

**132.** The presiding officer of the council maintains order and decorum and decides questions of order, saving an appeal to the council.

**133.** Every disputed question is decided by a majority of the votes of the members present, excepting in case where, in conformity with the provisions of this code, the votes of two-thirds of the members of the council or of the members present, are required.

**134.** The presiding officer, if he be also a councillor, may vote each time a question is put to the vote ; and in case of an equal division of votes, he has in addition the casting vote.

If the presiding officer be not also a councillor he can only vote in the case of an equal division of votes.

In case of an equal division of votes the presiding officer is always bound to give the casting vote.

**135.** No member of a council can take part in the discussion of any question in which he has a personal interest. The council in case of dispute decides whether the member has or has not a personal interest in the question ; and such member has no right to vote on the question of his interest.

This article does not apply to the appointment of the head of the council nor to the naming of committees.

**136.** If the majority of the members of a local council have a personal interest in any question submitted to their decision, such question must be referred to the county council, which, in respect of the consideration and decision of such question, possesses all the rights, privileges and obligations of the local council.

**137.** Members of the council are not permitted to vote by ballot ; the votes are recorded in the minutes of the proceedings of the council, when required.

**138.** Any ordinary or special session can be adjourned by the council to any other hour of the same day or to a subsequent day, without it being necessary to give notice of such adjournment to the members who were not present, excepting in the case of the following article.

**139.** Two members of the council when there is not a quorum present, may adjourn the session at the expiration of one hour from the time it was established that there was no quorum. The hour of the adjournment and the names of the members of the council present, must be inscribed in the minutes of the sitting in the book of the proceedings of the council.

In this case, a special notice of the adjournment is given by the secretary-treasurer to the members of the council who were not present at the time of adjournment. The service of this notice must be established, at the resumption of the adjourned session, in the same manner as that of the notice convening a special session, and the absence of service of such notice renders every proceeding adopted at such part of the adjourned session, void.

**140.** No council is dissolved by the fact of any session thereof not having taken place.

**141.** The place where the sittings of the council are held, must be as much as possible in the most public place of the municipality.

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## CHAPTER SECOND.

### OF THE OFFICERS OF THE MUNICIPAL COUNCIL.

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#### SECTION I.

##### *Of the Secretary-Treasurer.*

**142.** Every municipal council must have an officer entrusted with the care of the office and the archives of the council, and designated by the name of "secretary-treasurer."

In every newly formed municipality, the secretary-treasurer must be appointed by the council within thirty days after the entry into office of the majority of the new councillors.

**143.** The secretary-treasurer remains in office during the pleasure of the council.

**144.** Every secretary-treasurer, before acting as such, must make oath to discharge well and faithfully the duties of his office, and must within thirty days next following, give security in the manner prescribed by this code.

**145.** The secretary-treasurer may, from time to time, appoint under his hand, an "assistant-secretary-treasurer," who may perform all the duties of the office of secretary-treasurer, with the same rights, powers and privileges, and under the same obligations and penalties as the secretary-treasurer himself, except as regards giving security.

In the case of a vacancy in the office of secretary-treasurer, the assistant-secretary-treasurer must continue to perform the duties of the office until the vacancy is filled.

The assistant-secretary-treasurer enters into office after making oath to discharge well and faithfully the duties of such office : he may be removed or superseded at will by the secretary-treasurer.

In the performance of his functions he acts under the responsibility of the secretary-treasurer who appointed him and of the sureties of such secretary-treasurer.

§ I.

*Of the security furnished by the Secretary-Treasurer.*

**146.** The secretary-treasurer furnishes either one or two sureties, whose names are first approved by resolution of the council.

**147.** The sureties bind themselves jointly and severally with the secretary-treasurer, towards the corporation, for the due performance of the duties of his office and for the payment of all moneys, for which the latter in the exercise of his office may be accountable, whether principal, interest, costs, penalties or damages.

**148.** One of the obligees must hypothecate, in and by the security-bond, property belonging to him personally for the payment of a sum determined by resolution of the council and exigible under the provisions of the preceding article.

This hypothec may be given in the same instrument by more than one of the obligees, or upon more than one property.

The properties offered must be previously accepted by resolution of the council ; nor can they be accepted until it is proved to the satisfaction of the council, that they are worth, at least, beyond all charges and hypothecs upon them, twice the amount of the hypothec required.

**149.** The security-bond must be accepted by the head of the council in the name of the corporation, and be executed before a notary, or in duplicate *sous seing privé* before two witnesses who sign the same.

Such security-bond, any law to the contrary notwithstanding, constitutes a hypothec on the immovables therein described, so soon as it shall have been registered in the office of the registration division in which such immovables are situated.

It is the duty of the secretary-treasurer, without delay, to register his security-bond, and after he has registered the same, to transmit a copy thereof or a duplicate thereof to the head of the council, together with a certificate of its enregistration.

**150.** The sureties of the secretary-treasurer may, at any time, by giving notice in writing of their intention to the



secretary-treasurer himself and to the head of the council, free themselves from future liability under their bond, at the expiration of thirty days after the service of such notice.

This notice is given and served by a notary, or by the surety himself in a writing delivered in presence of one witness who signs the same.

**151.** The secretary-treasurer must, within thirty days after the service of such notice, furnish other sureties in lieu of those who have withdrawn; in default of his so doing, he cannot discharge any of the functions of his office, under a penalty of twenty dollars for each infraction of this provision.

**152.** Whenever one of his sureties dies, becomes insolvent, or removes his domicile outside the limits of the district, the secretary-treasurer must, so soon as he becomes aware of such fact, inform the head of the council, in writing, thereof, under a penalty of one hundred dollars; and he must supply the place of such surety within the thirty days next following. In default of his so doing he cannot perform any of the duties of his office, under the penalties prescribed by the preceding article.

**153.** The sureties of the secretary-treasurer, after they are freed from future liability under their bond, or after the secretary-treasurer has ceased to discharge the duties of such office, may exact from the head of the council a certificate of discharge for the future, which certificate, after registration thereof, discharges thenceforth the immovables hypothecated by such security-bond.

**154.** The head of the council is authorized to give and sign a consent to the discharge of the hypothec given by the sureties of the secretary-treasurer, in cases where such consent may be asked and granted.

**155.** No person, who has been surety for any secretary-treasurer, can be a member of the council whereof such secretary-treasurer was the officer, until he is discharged from all obligations towards the corporation arising out of his security-bond.

## § II.

### *General Duties of the Secretary-Treasurer.*

**156.** The secretary-treasurer is the keeper of all the books, registers, plans, maps, archives and other documents and papers which are either the property of the corporation, or are produced, filed and preserved in the office of the council. He cannot divest himself of the custody of these archives, except with the permission of the council, or under the authority of a competent court.

**157.** He attends at all sessions of the council and draws up minutes of all the acts and proceedings thereof,

in a register kept for that purpose, and called "The Register of Proceedings."

All minutes of the sitting of the council, must be approved by the council, signed by the person who presided over the council during such sitting, and countersigned by the secretary-treasurer.

Whenever a by-law or a resolution is amended or repealed, mention must be made thereof in the margin of the register of proceedings, and opposite such by-law or resolution, together with the date of its amendment or repeal.

**158.** Copies and extracts certified by the secretary-treasurer from all books, registers, archives, documents and papers preserved in the office of the council, are evidence of their contents.

**159.** The secretary-treasurer collects and has charge of all moneys due or payable to the corporation.

**160.** He pays out of the funds of the corporation, all sums of money due by it, whenever he is authorized to do so by the council. If the sum to be paid does not exceed ten dollars, the authorization of the head of the council is sufficient.

Even in the absence of authorization from the council, or from the head of the council, it is his duty to pay, out of the funds of the corporation, any draft or order drawn upon him, or any sum demanded, by any one empowered so to do by the provisions of this code, or by municipal by-laws.

No draft or order can however be legally paid, unless the same shows sufficiently the nature of the use to be made of the sum therein mentioned.

**161.** No secretary-treasurer can, under a penalty of twenty dollars for each infraction :

1. Grant discharges to rate-payers or other persons indebted to the corporation for municipal taxes or other debts, without having actually received in cash or in lawful value the amount mentioned in such discharges ;

2. Lend, directly or indirectly, by himself or by others, to rate-payers or other persons whatsoever, moneys received in payment of municipal taxes or belonging to the corporation.

**162.** The secretary-treasurer is bound to keep, in the form prescribed by the council, books of account, in which he enters, according to date, each item of receipt and expenditure, mentioning therein the names of all persons who shall have paid money into his hands, or to whom he has made any payment.

He must preserve and file amongst the archives of the council all vouchers for his expenditure.

**163.** The secretary-treasurer is bound to keep a "reperatory," in which he mentions in a summary manner and in

the order of their dates, all reports, *procès-verbaux*, acts of apportionment, valuation rolls, collection rolls, judgments, maps, plans, statements, notices, letters, papers and documents whatsoever, which are in his possession during the exercise of his office.

**164.** The secretary-treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in his possession as archives of the council, are open for inspection and examination on office days between the hours of nine in the morning and four in the afternoon, to members of the council, to municipal officers, to every interested party, and to all rate-payers of the municipality, or their attorneys.

**165.** The secretary-treasurer is bound to deliver, upon payment of his fees, to any person applying for the same, copies or extracts from any book, roll, register, document or other paper, which forms part of the archives. It is also his duty to send without delay by mail to the principal place of business of any corporation, or iron or wooden railway company, which shall have filed in the office of the council a general application to that effect, and shall have made such principal place of business known, a certified copy of every public notice, by-law, resolution or *procès verbal* filed for homologation or homologated which affects such corporation or company, as well as a certified extract, from the valuation roll, including the valuation of the taxable property of such corporation or company, together with a bill of his fees, which the company is bound to pay immediately on receipt of such document.

His fees, until established under article 471, and unless otherwise fixed by the provisions of this code, are ten cents per hundred words, and fifty cents for the certificate.

The secretary-treasurer nevertheless is bound to furnish gratuitously any copy or extract required by the lieutenant-governor, or by the council or its officers.

**166.** The secretary-treasurer is bound to render during the month of June in each year, and oftener if required by the council, a detailed account of his receipts and expenditure.

**167.** If he refused or neglect to comply with the provisions of the preceding article, he may be sued by the corporation to render such account, before any competent court and may be in such action condemned to render account and to pay damages for such refusal or neglect.

He must be condemned to pay the sum which he has admitted to be due, or which he has been declared to owe, together with all such other sums as he ought to have debited himself with or which the court holds him accountable for, with interest in every case, at the rate of twelve per cent, by way of penalty and the costs of suit.

Every such judgment carries with it coercive imprisonment, if the same has been demanded in such action of account.

**168.** The secretary-treasurer of every municipal council is bound before the thirty-first day of the month of January following the promulgation of this code, to transmit to the auditor of the accounts of the province, a return showing:

1. The name of the corporation;
2. The amount of its actual debt, if any exists, otherwise a statement that there is none;
3. The amount of interest due by the corporation, if any is due;
4. The value of the movable and immovable property belonging to the corporation;
5. The amount of the valuation of the taxable property in the municipality;
6. The total amount of the taxation or assessment per dollar, imposed on all taxable property in the municipality, for any purposes whatsoever;
7. All other observations or information required by the lieutenant-governor.

The secretary-treasurer is bound to distinguish, the amount of the corporation debt, incurred under the municipal-loan-fund acts, if any, from the remainder of its debt.

A similar return must thereafter be transmitted by the same officer, to the auditor of the accounts of the province, between the first and thirty-first days of the month of January, in each year.

**169.** The secretary-treasurer who refuses or neglects to comply with the provisions of the two preceding articles, within the prescribed delay, is subject to a fine of not less than twenty dollars, nor more than two hundred dollars, or to imprisonment until such fine and costs are paid, such imprisonment to end on payment of such fine and costs, and in no case to exceed a period of twelve months.

**170.** All actions, claims or demands against the secretary-treasurer, resulting from his administration, are prescribed in five years from the day, in which such actions, claims or demands originated.

**171.** The office of the secretary-treasurer is established in the place where the sessions of the council are held, or in any other place fixed, from time to time, by resolution of the council.

**172.** The secretary-treasurer and the assistant-secretary-treasurer are also officers of all courts established in the province, and may be dealt with as such by them, whenever such courts deem it necessary.

## SECTION II.

*Of the Auditors.*

**173.** Every municipal council is bound to name one or two auditors in the month of March of each year.

**174.** The auditors enter on their functions, as soon as they are sworn to discharge well and faithfully the duties of their office.

They remain in office until the entry into office of their successors.

**175.** No one can be appointed an auditor, who is unable to read and write.

**176.** The auditors are bound, in the month of May in each year, and whenever the council requires, to make an examination of and to report respecting all accounts of the corporation, and all accounts relating to any subject falling within the jurisdiction of the council.

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SECTION III.*Of appointments by the Lieutenant-Governor.*

**177.** Whenever a municipal council has allowed the prescribed delay to expire without making the appointment of any officer, which it is bound to make in accordance with the provisions of this code or of its by-laws, the lieutenant-governor may make such appointment, with the same effect as if it had been made by the council.

This article does not apply to the secretary-treasurer.

**178.** In the event of such omission on the part of the council, the secretary-treasurer, or in his default, the head of the council, is bound, without delay, to notify the lieutenant-governor thereof, by letter addressed to the provincial secretary.

Any rate-payer of the municipality may give this information to the lieutenant-governor.

**179.** All appointments made by the lieutenant-governor must be notified to the head or to the secretary-treasurer of the council, by letter from the provincial secretary; and the secretary-treasurer is bound at once to inform the person appointed thereof, by special notice.

**180.** The lieutenant-governor can only appoint to municipal offices, persons eligible for the offices which they are called upon to fill.

**181.** The lieutenant-governor may revoke any appointment of a municipal officer made by him, and if he deems it necessary replace such officer by another.

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## SECTION IV.

*Miscellaneous Provisions.*

**182.** The council, in addition to those whom it is bound to appoint, may appoint all such other officers as are necessary to carry into effect its orders and the provisions of this code.

**183.** Municipal officers, in office, at the time of the coming into force of this code, are maintained in their offices, until they are replaced under the provisions of this code.

**184.** If the place of any municipal officer becomes vacant, such vacancy must be filled, by the council, within the thirty days next following.

**185.** Every appointment or removal of a municipal officer, made by the council, is made by resolution of the council: such resolution must be communicated without delay, by the secretary-treasurer to the person who is referred to therein.

**186.** Every municipal officer who is bound to take the oath of office, before entering upon his duties, must do so within the fifteen days which follow the notice of his appointment. In default of his so doing, he is deemed to have refused to discharge the duties of the office to which he is appointed, and is liable to the penalties prescribed for such refusal.

He may nevertheless, until the vacancy caused by his refusal be filled up, enter upon his functions and exercise the same, if he is capable of doing so, without prejudice to costs of proceedings instituted against him.

**187.** Any certificate attesting that an oath of office has been taken by any municipal officer, must be filed without delay, in the office of the council by the person who has taken such oath.

**188.** No act, duty, writing or proceeding, executed in his official capacity, by a municipal officer, who holds office illegally, can be set aside solely from his so holding such office illegally.

**189.** Every municipal officer may be removed by the council that appointed him. Any municipal officer, appointed by the lieutenant-governor, may be in like manner, removed by the council under which he is acting, provided always that such removal be approved by the lieutenant-governor.

**190.** Every officer appointed to replace another, holds office only for the remainder of the time for which his predecessor was appointed.

**191.** Every municipal officer who has ceased to discharge the duties of his office, is bound to deliver within

eight days next following, to the head of the council, or at the office of the council, or to his successor, all the moneys, keys, books, papers, insignia, documents, and archives, belonging to such office.

**192.** If any municipal officer dies, or absents himself from the province, his representatives are bound, within one month from his death or departure, to deliver to his successor, or at the office of the council, the moneys, keys, books, papers, insignia, documents and archives, belonging to the office so held by him.

**193.** The corporation is entitled in addition to any other legal recourse whatsoever, to recover by process of revindication, from such officer or his representatives, all such moneys, keys, books, insignia, or archives, with costs and damages.

Every judgment rendered in any such action, may be enforced by coercive imprisonment against the person condemned, whenever such imprisonment is demanded by the action.

**194.** The corporation may exercise the same rights, and obtain the same remedy against all other persons having in their possession, and refusing to deliver up such moneys, keys, books, insignia and archives.

**195.** Every person who refuses or neglects to obey any lawful order of any municipal officer, given in virtue of the provision of this code or of municipal by-laws, incurs for each offence a penalty of not less than one or more than five dollars, saving cases otherwise provided for.

Every person who hinders or prevents or attempts to hinder or prevent, a municipal officer in the exercise of his functions incurs for each offence a penalty of not less than two nor more than ten dollars, and is further responsible for all damages caused by him towards those who have sustained them.

**196.** Every municipal officer in whose hands is deposited or filed any document whatsoever, is bound on demand, to give a receipt therefor, under the penalty prescribed in article 108.

Should the document deposited or filed form part of the archives of the council, it is the duty of the municipal officer with all possible speed, to file it among them, under the same penalty.

**197.** Whenever an act must be executed by more than two municipal officers, it may be validly executed by the majority of such officers, save in special cases otherwise provided for.

**198.** The council cannot, in any manner, discharge or exempt its officers from the performance of the duties imposed by this code, except in particular cases where such power is conferred upon it.

**199.** The corporation is responsible for the acts of the officers of the council, in the execution of the functions in which they are employed, and also for all damages resulting from their refusal to discharge or negligence in discharging their duties, saving its recourse against such officers.

**200.** Municipal officers are liable for their acts or in damages arising from their refusal or neglect to discharge their duties, to the corporation only; save in so far as penalties incurred by them are concerned, which penalties may be recovered according to the rules of the second title of the third book.

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## CHAPTER THIRD.

### OF PERSONS BOUND TO ACCEPT MUNICIPAL OFFICES AND OF THOSE INCAPABLE OF OR EXEMPT FROM DISCHARGING THEM.



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#### SECTION I.

##### *Of persons bound to accept Municipal Offices.*

**201.** Whosoever is capable of discharging any municipal office in the municipality, and is not exempted from so doing, is bound to discharge such office, if he is thereunto appointed, and to perform all the duties thereof, under the penalties prescribed by law.

No one, however, is bound to accept or to continue in the discharge of the office of secretary-treasurer.

**202.** Every male resident of full age in a municipality, not declared disqualified by a provision of this code, is capable of discharging a municipal office.

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#### SECTION II.

##### *Of persons disqualified for Municipal Offices.*

**203.** The following cannot be appointed to or fill municipal offices :

1. Minors;
2. Persons in holy orders and the ministers of any religious denomination;
3. Members of the privy council;
4. The judges of the court of Queen's bench, of the superior court, and of the court of vice-admiralty, district or police magistrates and sheriffs;



5. Officers on full pay of Her Majesty's army or navy, and the officers or men of the provincial police force;

6. Keepers of taverns, hotels or houses of public entertainment, or persons who have acted as such within the twelve preceding months.

**204.** Whosoever has no domicile or place of business in a municipality is incapable of exercising any municipal office of such municipality, except those of secretary-treasurer, auditor or valuator.

**205.** No person receiving any pecuniary allowance or other consideration from the corporation for his services, or having, directly or indirectly, by himself or his partner, any contract or interest in any contract with the corporation, can be appointed a member of the council of the said corporation, or act as such.

Nevertheless a shareholder in any incorporated company, which has any contract or agreement with any corporation, is not disqualified from acting as a member of the council of such corporation.

The word "contract" used in the first provision of this article does not extend to any lease, nor to any sale or purchase of lands, nor to any loan of money, nor to any agreement respecting any of these acts.

**206.** Other disqualifications relative to certain municipal offices, are prescribed in the provisions respecting these offices.

**207.** Whoever has been appointed to any municipal office for which he becomes disqualified during his exercise of such office, is bound to give without delay, at the office of the council, a notice alleging the reasons of his disqualification and tendering his resignation.

Until such notice is given, such person is deemed to have continued in the exercise of such office, and is liable to all penalties, prosecutions and other rights of action set forth in this code.

**208.** If the disqualification of a person appointed to a municipal office or holding the same is notorious or sufficiently established, the council may by resolution declare the office of such person vacant, saving any recourse on the part of the person appointed. The vacancy must then be filled in the ordinary manner and within the delay prescribed.

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### SECTION III.

#### *Of persons exempt from Municipal Offices.*

**209.** The following persons are not bound to accept any municipal office, nor to continue to hold the same:

1. Members of the senate, of the house of commons, of the executive council and of the provincial legislature ;

2. All civil functionaries, the employees of the federal and provincial legislature, and the officers of the militia staff ;

3. Advocates, notaries, provincial land-surveyors, physicians, apothecaries and teachers, engaged in their respective professions ;

4. Licensed pilots and persons engaged in navigation ;

5. Any miller being the only person employed as such in a mill ;

6. Persons of over sixty years of age ;

7. Gaolers and keepers of houses of confinement or correction or of reformatories ;

8. All persons employed on iron or wooden railways.

210. Any person having discharged any municipal office, during the two years next preceding, may refuse to accept any office whatever under the same council during the two years next after such service.

211. Any person actually engaged in an office under any municipal council, may, while he is discharging the duties of such situation, refuse to accept any other office under the same council.

212. Any person who has paid a penalty for refusal to accept any municipal office, is exempt from filling any office whatsoever, under the same council, during the period for which he had been appointed.

213. Any person, who has been appointed to a municipal office from which he is exempt, or who while filling any office becomes exempt, and desires to avail himself of such exemption, is bound to lodge in the office of the council, a special notice to that effect, within the fifteen days following the notification of his appointment, or upon the day when he becomes exempt from filling such office.

In default of his so doing, he can no longer claim his exemption.

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## CHAPTER FOURTH.

### OF MUNICIPAL NOTICES.

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#### SECTION I.

##### *General Provisions.*

214. Every notice given, under the provisions of this code or of the orders of a municipal council, or for municipal purposes, must be drawn up, and published or served, in accordance with the formalities prescribed in this chapter.

**215.** Every notice so given is either special or public.

Both special and public notices must be in writing, except in the particular cases in which a special notice can be given verbally.

**216.** All notices in writing, must contain :

1. The name of the municipality, when such notice is given by an officer or by the head of such municipality ;
2. The names, and signature of the person who gives it, and his official capacity ;
3. A sufficient description of those to whom it is addressed ;
4. The place where it was made and the time when it was made ;
5. The object for which it is given ;
6. The place, day and hour in which those summoned to answer such notice, must do so.

**217.** Public notices are published ; special notices are served.

**218.** Every copy of a notice in writing, which must be served, published, posted up or read, is attested either by the person who gives such notice, or by the secretary-treasurer of the corporation under whose control such person acts.

**219.** The original of every notice in writing must be accompanied by a certificate of publication or of service.

The original of such notice and the certificate which accompanies it must be filed by the person who has given it in the office of the council, to form part of the municipal records.

**220.** The certificate is drawn up by the person who published or served the notice ; it must contain :

1. The residence, name and signature of the person who has given it, and his official capacity ;
2. The description of the manner in which the notice was published or served ;
3. The place, day and hour of publication or of service.

The truth of the facts set forth in such certificate must be attested under the oath of office of the person giving it, if such person has taken an oath as an officer charged with making such services, and if not, by his special oath.

This certificate is written either on the original notice or on a paper annexed thereto.

**221.** In the case of a special notice given verbally the affirmation under oath of the person who served such notice, takes the place of the certificate of service ; this affirmation is only required in case of contestation and must contain the object of the notice.

**222.** Every owner of land or rate-payer, domiciled without the limits of a municipality may, by a special notice filed in the office of the council, appoint an agent to represent him for all municipal purposes.

**223.** Any person who has acquiesced in that which is required by a notice, or who has in any manner whatsoever become sufficiently acquainted with its tenor or object, cannot thereafter avail himself of the insufficiency or informality of such notice or of the omission of its publication or service.

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## SECTION II.

### *Of Special Notices.*

**224.** Every special notice must be drawn up or given in the language of the person to whom it is addressed, unless such person speaks a language other than French or English.

The special notice addressed or given to any person who speaks neither the French nor the English language, or who speaks both of these languages, is given to him in either language.

**225.** The service of a special notice given in writing, is effected by leaving a copy of the notice with the individual to whom it is addressed, in person, or with a reasonable person at his domicile or at his place of business, even when it is occupied by him in partnership with some other person; except in cases where the service is made by mail.

**226.** Every special notice in writing addressed to an absent proprietor or rate-payer, who has appointed an agent residing in the municipality, must be served on such agent, in the same manner as on a resident proprietor.

If an agent resident in the municipality has not been appointed, every such notice is served by lodging in the post office of the locality, a copy thereof in a sealed and registered envelope addressed to the absent proprietor or rate-payer or to any other agent he may have appointed.

**227.** A special verbal notice is given by the person who should give it, or on his behalf, to the individual to whom it is addressed, in person, or to a reasonable person at his domicile, or at his place of business, provided such individual is domiciled within the limits of the municipality.

If such individual is absent the special verbal notice intended for him is either communicated to his resident agent, if he has appointed one, or is given to himself personally or to a reasonable person, at his domicile, or at his place of business, if not, the notice must be communicated by post as a special notice in writing.

**228.** No one is bound to give a special notice to any proprietor absent who has not appointed an agent, unless such proprietor has made known his address in writing by filing the same in the office of the council.

**229.** Special notices may be served between the hours of seven o'clock in the morning and seven o'clock in the evening, and even upon holidays.

Special notices however cannot be served at places of business, except upon juridical days, and between the hours of nine in the morning and four in the afternoon.

**230.** If the doors of the domicile or place of business, where service of a special notice in writing should be made, are closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice on one of the doors of the domicile, or place of business.

**231.** The intermediate delay after a special notice dates exclusively from the day on which such notice was served.

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### SECTION III.

#### *Public Notices.*

**232.** The publication of a public notice for local municipal purposes, is made by posting up a copy of such notice at two different places in the municipality from time to time determined on by resolution of the council.

In default of localities determined upon by the council, the public notice must be posted upon or near the principal door of at least one place of public worship, if any there be, and at some other place of public resort in such municipality.

**233.** When a rural municipality is adjacent to a city, town or village municipality incorporated under any act whatsoever, one of the localities determined upon by the council of the rural municipality, for the posting of public notices, may be situated in such city, town or village municipality.

The word "town" in this article applies to all cities or towns erected into municipalities under this code or any other law, except the cities of Quebec, Montreal and Three Rivers.

**234.** The local council may also, by resolution, fix one or more localities in the municipality, or in a neighboring city, town or village municipality, if such city, town or village municipality forms part of the same parish or of the same township as the former, in which any public notice must be read out aloud in a distinct manner on the Sunday next following the day on which the same was published at the close of divine service, if such service has been held.

The omission to read this notice does not invalidate the publication of the notice, but the persons who were bound or who undertook to read it thereby incur a penalty of not less than two nor more than ten dollars.

**235.** In so far as respects a public notice given for county purposes, the same is published in all the local municipalities, to the inhabitants whereof it is addressed. It is posted up and read in the same localities and in the same manner as public notices given for local purposes in such municipalities.

The officers of the county council giving such notice may, by letter, order the secretary-treasurer of each such local municipality, after having transmitted to him as many copies of such notice as are requisite, to provide that the same be posted up and read as required, and that a certificate of the publication thereof be transmitted to them without delay, under the usual penalties.

**236.** Every time a notice is ordered to be published in one or more newspapers, such notice must be inserted in newspapers published at least once a week in the county, if any there be, if not, in newspapers of the district, or of the neighboring district if no newspapers are published in the first district.

The same rule applies when such notice must appear in two newspapers published in different languages.

**237.** No notice can be inserted in English and in French in newspapers published in one of these languages only.

**238.** Every public notice convening any public meeting or for any object whatever, must be given and published seven clear days before the day appointed for such meeting or other proceeding, except in cases otherwise provided for.

**239.** Except in cases otherwise provided for, the intermediate delay after a public notice dates from the day on which such notice has been made public in virtue of article 232 or of article 235; if it is ordered that the notice must be published in a newspaper, the intermediate delay dates from the day of the first insertion of such notice; if the notice is published in several newspapers upon different days, the intermediate delay dates from the day of the first insertion made in the newspaper which published such notice last. In all cases the day on which the notice was made public does not count.

**240.** Public notices are applicable to and binding upon proprietors or rate-payers domiciled out of the municipality, in the same manner as they are upon residents, except in cases otherwise provided for.

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## CHAPTER FIFTH.

### OF THE LANGUAGES TO BE USED IN THE COUNCIL AND IN MUNICIPAL PROCEEDINGS.

**241.** In the sessions of council, whoever has a right to be heard, may use either the French or the English language.

**242.** The books, records and proceedings of every municipal council are kept, and all certificates of publication or service, and every other document produced or filed in the office of the council, are written in either the French or the English language.

**243.** In any municipality for which there is no order of the lieutenant-governor in council, in virtue of the tenth section of the consolidated municipal act of Lower Canada or of the following article, the publication of every notice, by-law, resolution or order of the council, by posting, reading aloud or insertion in the newspapers, must be made in the French and English languages.

**244.** The lieutenant-governor by an order in council, upon a petition being made to him to that effect by any municipal council, may declare that the publication of any public notice, by-law, resolution or order of the council, in such municipality, except such as are required to be made in the official Gazette of the province, shall be made thereafter in one language only. Such language is determined by the said order in council.

The resolution under which the petition of the council is made, cannot be adopted until after a public notice to that effect has been given to the inhabitants of the municipality.

A copy of such order by the lieutenant-governor in council, is transmitted without delay to the secretary-treasurer of the municipality to which it applies.

**245.** The provincial secretary must publish the order in council in the Quebec Official Gazette; and from the date of such publication, every public notice, by-law, resolution or order of the council may be published solely in the language ordered thereby, except in the Official Gazette of the province.

Nevertheless the simultaneous use of any other language does not render the document published in such language invalid.

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### TITLE THIRD.

#### PARTICULAR RULES APPLICABLE TO COUNTY CORPORATIONS.

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#### CHAPTER FIRST.

##### OF THE COUNTY COUNCIL.

###### *General Provisions.*

**246.** The county council is composed of the mayors in office of all the local municipalities in the county which are subject to the provisions of this code.

Such mayors bear the title, in the county council, of "county councillors."

**247.** The head of the council is called the "warden," and is chosen from among the members who compose the council.

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SECTION I.

*Of the Warden.*

**248.** The warden is appointed by the members of the county council, during the month of March in each year.

In a county municipality newly established, the appointment of the first warden takes place at the first general session of the council held after the corporation is organized, or at the special session convened for that purpose in conformity with article 257.

**249.** When the office of warden becomes vacant, the council must proceed to the appointment of a new warden at the next general session, or sooner at a special session convened for that purpose.

**250.** Whenever the county council allows the delay for the appointment of a warden to expire without making such appointment, the lieutenant-governor may make the appointment with the same effect, according to the rules laid down in articles 177, 178, 179, 180 and 181.

**251.** The warden holds office from his entry into the same until the appointment of his successor, except in the case mentioned in the following article.

**252.** The warden appointed by the council may be at any time removed from his office by a resolution approved of by the vote of two-thirds of the members of such council, provided that his successor be appointed at the same time and by the same resolution.

**253.** The appointment of a warden made by the council may be objected to and contested by the members of the council and by no one else.

Such contestation is begun, tried and decided in conformity with the procedure set forth in chapter seven of title four of this book.

**254.** Whosoever has been appointed to the office of a warden and refuses illegally to accept such office, incurs a penalty of forty dollars.

**255.** In every newly organized municipality until the appointment of a warden has been made, and in every other municipality, during any vacancy in the office of warden, the duties of such office are discharged by the registrar of the county, saving the provisions respecting the presidency at the council board.



## SECTION II.

*Of the Sessions of County Councils.*

**256.** The ordinary or general sessions of county councils are held on the second Wednesday in each of the months of March, June, September and December, any by-law in force at the time of the coming into effect of this code to the contrary notwithstanding.

**257.** In a newly organized county municipality a special session of the council must be held as soon as possible after the organization of the corporation.

Such first session is convened by the registrar of the county, and presided over by him until the appointment of the warden.

**258.** The sessions of the council are held in the chief-place of the county.

If at the time of the convocation of the first session of the council by the registrar, the chief-place has not been determined upon, such first session is held at the place chosen by the registrar, and the council continues to hold its sittings there until the chief-place has been fixed upon.

**259.** Five members of the council, where the council is composed of seven members or more, and three, if the council is composed of less than seven, form a quorum.

**260.** The notice of convocation of the special sessions of the county council, as well as the notice of adjournment in the case prescribed by article 139, must be given to the members of the council at least ten days before the day fixed of the session or the resumption of the adjourned session.

Such notice may be forwarded by registered letter through the post, the postage thereof being prepaid.

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CHAPTER SECOND.

## OF COUNTY DELEGATES.

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SECTION I.*General Provisions.*

**261.** The delegates of every county corporation are three in number.

These delegates exercise the powers and fulfil the duties which devolve upon them in virtue of this code, in conjunction with the delegates of other county corporations concerned.

**262.** The warden is *ex-officio* one of the county delegates. The two other delegates are appointed by the council after the entry into office of each new warden. They remain in office until their successors are duly installed.

**263.** Whenever any one of the delegates dies, or becomes incapacitated from attending to his duties during two consecutive months by absence, sickness or any other cause, or refuses to fulfil such duties during a like period, the council appoints another delegate in his stead, at the first session held after such death, or delay of two months. If one of the delegates ceases to form part of the council, his successor must be appointed, without delay, by the council.

**264.** If the council neglects or refuses to appoint the delegates whom it is bound to appoint under the two preceding articles, within thirty days after a demand made upon it to that effect, such delegates may be appointed by the lieutenant-governor in the manner set forth in articles 177, 178, 179, 180 and 181 ; subject however to the provisions of article 101.

**265.** Every delegate must be a member of the council which appoints him.

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## SECTION II.

### *Of the Board of Delegates.*

**266.** The board of delegates is composed of the delegates from each of the county municipalities, of which the inhabitants or some of them are interested in any work or matter which comes under the jurisdiction of the councils of such municipalities.

**267.** The board of delegates sits, for the purpose of taking into consideration and deciding matters within its jurisdiction, whenever required so to do or whenever it deems necessary, in following the formalities prescribed for the summoning of the meeting.

**268.** The delegates meet at the time and place indicated in the notice of meeting given to them.

**269.** The meeting of the board of delegates is convened, upon a requisition in writing, by two members of the board or by the secretary-treasurer of one of the county municipalities.

Such meeting is convened and held in the same manner as a special session of a county council.

The place where such meeting is held is selected by the members or by the secretary-treasurer who convenes the same.

**270.** Any person interested in a question submitted or about to be submitted to the board of delegates, may require the secretary-treasurer of one of such county municipalities to convene a meeting of the board of delegates, if a meeting of such board has not already been convened to be held within the fifteen days following.

**271.** The secretary-treasurer of the county council who called the meeting, is, in virtue of his office, the secretary of the board of delegates.

If the meeting has been convened by two members of the board, the secretary-treasurer of the council whereof such two members are the delegates is the secretary of the board. If the two members belong to different councils, the secretary of the board is appointed by the delegates and must be the secretary-treasurer of one of the county municipalities.

The secretary keeps minutes of the proceedings of the delegates, and deposits the same with all other documents of the board in the archives of the council whose officer he is.

**272.** Three of the delegates summoned to the meeting form a quorum of the board.

**273.** The meeting is presided over by any one of the delegates present chosen among themselves.

In the case of an equal division of votes, in their choice of a chairman, the chairman is chosen from among them by lot.

**274.** Every disputed question is decided by the vote of the majority of delegates present, including that of the chairman.

In the event of an equal division of votes, the chairman has also the casting vote.

**275.** Articles 100 and 102, apply also to all documents, orders or proceedings of the board of delegates.

Articles 97 and 103 are also applicable to the board of delegates.

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## TITLE FOURTH

### RULES COMMON TO EVERY LOCAL MUNICIPAL CORPORATION.

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## CHAPTER FIRST.

### OF THE LOCAL COUNCIL.

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## SECTION I

### *General Provisions.*

**276.** The local council is composed of seven councillors

elected by the electors of the municipality, in the manner hereinafter set forth, or appointed by the lieutenant-governor where no election has taken place.

**277.** The office of municipal local councillor lasts three years, except in the cases of articles 116 and 279.

**278.** At the first general municipal election held after the coming into force of this code, as well as at the first general election held in every local municipality erected thereafter, or in which there is no council in operation, seven councillors must be elected or, in default of election, appointed, and they go out of office and are replaced in the manner set forth in the following article.

**279.** Of the seven councillors elected at such election, or appointed by the lieutenant-governor in default of an election :

1. Two must be replaced at the time of the next general municipal election ;

2. Two others at the same period in the year which follows that lastly mentioned ;

3. And the three last, also at the same period in the following year ;

And so on, in such manner that two local councillors must be elected or appointed two years consecutively, and three every three years.

**280.** The councillors mentioned in paragraphs one and two of the preceding article must be selected by lot at a session of the council, in the month of December preceding the month of January in which they must be replaced ; in default of this being done, the retiring councillors are designated by the presiding officer of the election, or by the lieutenant-governor.

No election or appointment can take place to fill the offices of such councillors, until they have been so selected by lot or designated.

**281.** The head of the local council is called the mayor.

He is also known and designated as "mayor of the council," or "mayor of the corporation," or "mayor of the municipality," or simply as "mayor," when the name of the municipality, of the council, or of the corporation is sufficiently indicated in the document.

**282.** Every local councillor, remains in office from the taking of his oath of office until the time of the general municipal election, at which he is to be replaced, and not beyond that period.

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## SECTION II.

### *Of persons disqualified from acting as Councillors.*

**283.** No one can be appointed a member of the council

of a local municipality, nor act as such, if he does not reside within the limits of such municipality or if he does not hold his place of business therein, and if he does not possess therein, in his own name or in the name and for the benefit of his wife as proprietor, real estate of the value of at least four hundred dollars, according to the valuation roll in force, if one there be.

**284.** Nevertheless any person domiciled in a village, town or city municipality incorporated by any law whatever, may, if he possess the other necessary qualifications, be a member of the council of a rural municipality which is adjacent to the municipality in which he is domiciled, provided always, that he does not fill any municipal office in the municipality in which his domicile is situated.

**285.** No one actually presiding at an election of councillors can be elected councillor at such election.

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### SECTION III.

#### *Of Sessions of the Council.*

**286.** In every newly organized municipality, the first session of the council is held at the time and place indicated by the warden of the county, in the notice of appointment which he addresses to the person whom he appoints to preside at the first election of the municipality.

If the councillors or some of them have been appointed by the lieutenant-governor, such first session is held at the time and place fixed upon by the person to whom the letter communicating the appointment of the councillors has been addressed.

Until the appointment of the mayor, such first session is presided over by one of the councillors who compose the new council.

Such session is an ordinary session of the council.

**287.** Ordinary or general sessions of the council take place, also, on the first Monday in each month, unless it be otherwise provided by the council in virtue of article 611.

**288.** The council sits at the place selected for the first session, in virtue of article 286, until by resolution it shall have fixed upon some other place.

**289.** Four members form a quorum of the council.

**290.** The notice of convocation of every special session of the local council as well as the notice of adjournment in the case prescribed by article 139, must be given to the members of the council at least two days before the day fixed for the session or the resumption of the adjourned session.

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## CHAPTER SECOND.

## OF MUNICIPAL ELECTORS.

**291.** Every person who possesses at the moment he exercises such rights and privileges, the following conditions is a municipal elector, and as such has the right to vote at the election of local councillors, and to exercise all the rights and privileges conferred on municipal electors by the provisions of this code, subject to article 497.

1. He must be of the male sex, have attained the age of majority, and be a British subject ;

2. He must have been in possession, in the municipality in which he seeks to exercise the right of an elector, during the preceding six months, either in his own name or in the name and for the benefit of his wife, as appears by the valuation roll in force, if there is one, as proprietor of real estate of the actual value of at least fifty dollars, or as tenant farmer or lessee or as occupant by any title whatsoever, of real estate of the annual value of at least twenty dollars ;

3. He must have paid all the municipal and school taxes due by him at such period ;

4. His name must be entered in the valuation roll, if there is one in force in the municipality, either as proprietor, lessee or occupant.

## CHAPTER THIRD.

## ELECTIONS OF LOCAL COUNCILLORS.

## SECTION I.

*Time of holding General Elections ; Notice required therefor.*

**292.** The general elections for all local municipalities take place every year, on the second Monday in the month of January, at ten o'clock in the morning.

**293.** In every newly erected local municipality, the first general election of councillors must be held at the same hour, on the second Monday in the month of February following the erection of such municipality.

The subsequent general elections of such municipality take place at the period fixed in the preceding article.

**294.** Public notice of each general election, in every local municipality, must be previously given, by the secretary-treasurer or by the mayor, announcing such election, and

calling together a general meeting of the electors of the municipality, at the time and place indicated, for the purpose of electing their councillors.

In the case of the first election subsequent to the erection of a new local municipality, the notice must be given by the warden of the county.

**295.** The omission to give such public notice prevents the meeting of the municipal electors from being held for such election; and each and every of the persons who have neglected to give such notice within the prescribed delays, incurs a penalty of not less than five nor more than twenty dollars.

## SECTION II.

### *Of the Officer presiding at the Elections.*

**296.** The election of local councillors is presided over by a person appointed to do so by a resolution of the local council. He may be one of those members of the council who do not go out of office at the time.

If no one is appointed to preside at such election, or if the person appointed is absent, the secretary-treasurer of the council is *ex-officio* the presiding officer at the election.

**297.** The first election of a newly organized municipality is presided over by a person appointed for that purpose by the warden of the county.

**298.** If, at the time fixed for the election, the person who should preside thereat, and the secretary-treasurer are both absent or if neither has been appointed, the meeting is presided over by the senior justice of the peace, or, in the absence of a justice of the peace, by any person at the meeting chosen by the majority of electors present.

**299.** The person presiding at the election cannot vote thereat, except in the case specified in article 321.

**300.** The person presiding at an election of councillors is a keeper of the peace from eight o'clock in the morning of the day on which the meeting of municipal electors is held, until nine o'clock in the morning of the day which follows the close of the election. He possesses in this respect all the powers of justices of the peace, and may exercise them throughout the whole municipality.

**301.** The presiding officer at the election may moreover, for the purpose of preserving peace and public order:

1. Swear in as many special constables as he deems necessary;
2. Require the assistance of all justices of the peace, constables, or other persons residing in the municipality, by verbal or written order;

3. Commit on view to the custody of a constable or of any other person, for a period of not more than forty-eight hours, any one breaking the peace or disturbing public order;

4. By a warrant under his hand imprison such offender in the common gaol of the district, or in any house or other place of confinement established within the limits of the county municipality, for any period not exceeding ten days.

**302.** Within the three days next after the close of the election the officer presiding must give, to each of the councillors elected, special notice of his election.

If he is the presiding officer at the first election of a newly erected municipality, he must, in the special notice given to the councillors elected, designate the time and place of the first session fixed upon by the warden of the county. If the latter has not fixed the time or place for the session, the presiding officer himself does so.

**303.** Within the eight days next after the close of the election, the presiding officer must make the result of the meeting known to the warden or to the secretary-treasurer of the county council; if there has been an election of councillors, he must give at the same time the names, surnames, quality and residence of each of the councillors.

**304.** If a poll has been held, the presiding officer must, within the said delay of eight days, deliver up the poll books kept by him at such election at the office of the local council, to be lodged among the archives of such council.

**305.** Every person who has been appointed, whether by the warden, by the council, or by the court under article 361, to preside at an election of local councillors, is at liberty to decline such office, on his transmitting within four days from the notification of his appointment, special notice of his refusal to the warden, the council, or the court which appointed him. In default of his so doing, he is no longer at liberty to refuse such office.

**306.** The services of presiding officer at an election are given gratuitously; nevertheless, the council must reimburse all expenses necessarily incurred by him on account of the election, and may, moreover, allow him an indemnity for his services.

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### SECTION III.

#### *Meeting of Municipal Electors.*

**307.** The meeting of municipal electors is held at the place where the local council holds its sessions, and must be opened at the hour of ten in the forenoon, of the day fixed for the election.

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If it is the first election after the erection of a new municipality, the meeting is held at the place designated in the notice.

**308.** The presiding officer, after having opened the meeting, requests the electors present to propose those persons whom they wish chosen as local councillors.

**309.** The presiding officer is bound to receive and propose as candidates, the names of all persons submitted to him, whether verbally or in writing, by at least two of the municipal electors present.

Nevertheless no one can be proposed for election unless at the time, his name and surname, as well as the names and surnames of his proposers are given.

**310.** If after one hour has elapsed from the opening of the meeting, as many candidates as there are councillors to be elected, or fewer candidates than the required number, have been proposed for election as councillors, the election is declared at an end, and the presiding officer proclaims the candidates proposed for election, duly elected.

**311.** One hour after the opening of the meeting, if more candidates have been put in nomination than there are councillors to be elected, the presiding officer, upon a requisition by five electors present, proceeds without delay to hold a poll, and to enregister the votes of the electors present.

Nevertheless, if among the candidates put in nomination there are any to whom there is then no opposition, the presiding officer declares such candidates elected, and the poll is held for the other candidates only.

**312.** In the absence of a demand from five electors present to the effect that a poll be held, the presiding officer declares elected councillors, the candidates who in his opinion have the majority of electors present in their favor.

**313.** The presiding officer, if a poll is opened, must enter or cause to be entered, in a book kept in accordance with the conditions hereinafter prescribed, and in the order in which they are given, the votes of the electors, by entering therein the names and qualities of each.

**314.** Every elector may vote for as many candidates as there are councillors to be elected in the municipality, or in the ward if the municipality is divided in virtue of article 617.

**315.** Any person tendering his vote, must take the following oath or affirmation, before the presiding officer, if required so to do by him, by any elector, by any candidate, or by the representative of any candidate :

I swear (or I affirm) that I am entitled to take part in this meeting, that I am duly qualified to vote at this election, that I am at least twenty-one years of age, that I have paid all municipal and school taxes due by me, and

that I have not already voted at this election : So help me God.

If such elector refuse to take such oath, his vote must be refused.

**316.** Any person voting at any election of municipal councillors, without possessing at the time of giving his vote the qualification of a municipal elector, incurs a penalty of twenty dollars.

**317.** Whenever the presiding officer does not understand the language spoken by one or more electors, he must appoint an interpreter, who before acting takes, before such person presiding, the following oath :

I swear (or affirm) that I shall faithfully translate the oaths, declarations, affirmations, questions and answers which the person presiding shall require me to translate, respecting this election : So help me God.

**318.** Each page of the poll book must be numbered in writing, and initialed by the person presiding at the election.

**319.** If an elector take the required oath, or refuse to take the same, or if objection is made to his vote, mention of each of these facts must be made in the poll book, in the following terms,—“sworn”—“refused” or “objected to” as the case may be.

**320.** The presiding officer at the end of the first day's polling, and at the close of the election, but before proclaiming the candidates elected, must certify, under his signature, on the poll book, the total number of votes entered, from the first to the last entry in the book, and also the total number of votes given for each of the candidates.

**321.** In case of an equal division of votes, in favor of one or more of the candidates, the presiding officer is bound to vote, even although he is not a municipal elector, under a penalty of not less than twenty or more than fifty dollars.

**322.** If, at four o'clock in the afternoon of the first day of the poll, the votes of all the electors present have not been polled, the meeting is adjourned to the hour of ten in the forenoon of the following day, for the purpose of proceeding with the polling of such votes.

**323.** The election must be closed at four o'clock in the afternoon of the second day.

**324.** If at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapses without any votes having been polled the presiding officer must close the election.

Nevertheless, if notice under oath is given to the presiding officer that an elector has been, within the hour last past, prevented from approaching the poll by violence, the election cannot be closed until the expiration of one hour after such violence has ceased.

**325.** At the close of the election, the presiding officer declares such of the candidates as have obtained the largest number of votes duly elected councillors.

## CHAPTER FOURTH.

### APPOINTMENT OF LOCAL COUNCILLORS BY THE LIEUTENANT-GOVERNOR.

**326.** Whenever :

1. A meeting of the municipal electors for the election of local councillors has not been held within the time prescribed by law, or by public notice if the election is to be held in virtue of article 361, or the meeting having been held no election has been had ;

2. Or an insufficient number of councillors has been elected ;

Then it is the duty of the presiding officer at such election, or of the secretary-treasurer of the corporation, to inform the lieutenant-governor of such fact or facts by a letter addressed to the provincial secretary, within fifteen days after the time fixed for such election.

Any municipal elector may give such information to the lieutenant-governor.

**327.** The lieutenant-governor, as soon as such information is communicated to him, appoints from among the qualified persons in the municipality, an equal number of councillors to the number required to be elected in the case of the first paragraph of the preceding article, or a sufficient number to complete the number of councillors required in the case of the second paragraph of the same article.

When the municipality is divided into wards, in virtue of article 617, the lieutenant-governor can only appoint councillors for those wards in which no election has taken place.

**328.** The letter of the provincial secretary, wherein the councillors appointed by the lieutenant-governor are named, is forwarded to the secretary-treasurer of the municipality or to one of the councillors so appointed.

The person receiving such letter must give, without delay, to every councillor named in it, special notice of his appointment.

If such appointment is that of the first councillors of a newly organized municipality, the person receiving such letter, must, in the special notice given to each councillor appointed, at the same time appoint a time and place for the first session of the council.

**329.** The lieutenant-governor may cancel any appointment of councillors made by him, and if he deems advisable, replace such councillors by others.

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## CHAPTER FIFTH.

### THE APPOINTMENT OF MAYOR.

**330.** At the first session after any general municipal election, or after any general appointment of councillors by the lieutenant-governor in the absence of an election, the members present, if they form a quorum, appoint as mayor of the corporation any one of the councillors possessing the necessary qualifications.

**331.** So soon as the appointment of mayor has been made, the secretary-treasurer must give a special notice of the fact to the warden of the county, as well as to the person appointed if he was not present at the election.

**332.** If the appointment of a mayor has not been made by the councillors within fifteen days after such first session, the lieutenant-governor may make the appointment with the same effect, in conformity with the rules prescribed by articles 177, 178, 179, 180, and 181.

**333.** The mayor remains in office from the moment he takes the oath of office until the appointment of his successor.

**334.** Whosoever is appointed mayor and refuses illegally to accept or discharge the duties of such office, incurs a penalty of thirty dollars.

**335.** Nobody can be appointed mayor nor act as such, unless he is able to read and write.

**336.** If it happens that amongst the members composing the council no one is able to read and write, one of such councillors, previously selected by lot, must be without delay replaced by the appointment by the lieutenant-governor, in the ordinary manner, of a person able to read and write and possessing the other qualifications required for the office of member of such council.

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## CHAPTER SIXTH.

### VACANCIES IN THE LOCAL COUNCIL.

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#### SECTION I.

##### *Vacancies in the Office of Councillor.*

**337.** The office of councillor becomes vacant in each of the following cases:

1. When a person has been appointed councillor who is exempt from serving as such, or when a person discharging the office of councillor becomes exempt during his occupancy thereof, and such person has, in either case, complied with article 213 ;

2. In the case of refusal to accept or continue to perform such office ;

3. When the councillor's domicile and place of business are no longer within the limits of the local municipality, unless such domicile or place of business is situated in a neighbouring municipality forming part of the same parish or township as the municipality for which he is a councillor ;

4. When a councillor after his appointment has come under one of the disqualifications established by the law and has complied with article 207 ;

5. In the case of the councillor's absence from the local municipality, or of his inability to act through sickness, infirmity or otherwise, during the period of three months consecutively, subject however to the provisions of article 119 ;

6. When the resignation of a councillor has been accepted by the council or when his office has been declared vacant in virtue of article 208 ;

7. In the case of death.

**338.** Notwithstanding any vacancy in the council, the councillors remaining in office continue to exercise their powers and fulfil their duties as such, if they form a quorum. If on the contrary they do not form a quorum, they cannot act as councillors until after such vacancy has been filled up.

**339.** At one of the sessions after the occurrence of such vacancy the council appoints by resolution, from among the inhabitants of the municipality, a person as councillor, who possesses the necessary qualifications to fill the vacancy.

**340.** If the council refuse or neglect to fill up a vacancy in the office of councillor within fifteen days after special notice of the occurrence of such vacancy has been lodged at the office of the council by any elector, such vacancy is then filled up by the lieutenant-governor, in conformity with the rules prescribed for the appointment of councillors when no election has taken place.

**341.** Whenever, in consequence of any vacancies in the council, there are less than four councillors remaining in office, such vacancies can only be filled by the lieutenant-governor, in the usual manner.

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## SECTION II.

*Vacancies in the Office of Mayor.*

**342.** The office of mayor becomes vacant in any of the following cases :

1. When the seat as councillor of such mayor becomes vacant ;

2. When the resignation of such mayor is accepted by the council, or when his office has been declared vacant under article 208 ;

3. In the case of a refusal to accept, or to continue to fill the office of mayor, or that of county councillor ;

4. When a mayor has been appointed who is exempt from the office or when the person filling the office of mayor becomes exempt during his occupancy thereof, and who has, in either case, complied with article 213 ;

5. When the mayor, after his appointment, has by law become incapacitated for the office of mayor or county councillor, and has complied with article 207.

**343.** If the seven councillors remain in office, the election of the new mayor takes place at the first session of the council held after the occurrence of such vacancy, in conformity with article 330.

If, on the contrary, there are vacancies in the office of councillor, such election takes place at the first session of the council, held after all the vacancies in the office of councillor have been filled up.

**344.** If the appointment of a new mayor is not made at the time fixed by the foregoing article, it can be made by the lieutenant-governor in conformity with the ordinary rules.

**345.** The council may at any time appoint a pro-mayor, who, in the absence of the mayor or when the office is vacant, discharges the duties of the mayoralty, with all the privileges, rights and obligations thereunto attached.

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CHAPTER SEVENTH.CONTESTED APPOINTMENTS OF MEMBERS OF THE  
LOCAL COUNCIL.

**346.** Any appointment of councillor made by the electors may be contested by any candidate or by five municipal electors, on the ground of violence, corruption, fraud or incapacity, or on the ground of the non-observance of the necessary formalities.

**347.** The appointment of the mayor may also be contested on the same ground by any member of the council.

**348.** The examination and decision of such contestation is vested in the circuit court of the district or county, or in the magistrate's court of the county in which the municipality is situated, to the exclusion of all other courts.

**349.** Such contestation is brought before the court by a petition in which are set forth the facts and reasons alleged in support of the contestation.

The petitioners may also, in their petition, indicate the persons who have a right to the office in question and state the facts necessary to establish such right.

**350.** A copy of the petition, with a notice stating the day on which the petition will be presented to the court, is served upon every councillor whose appointment is contested, within fifteen days from the date of such appointment; otherwise the right of contesting is forfeited.

**351.** No such petition can be presented or received after the close of the first term of the court, next following the day when each contested appointment was made.

Nevertheless if the appointment was made within the fifteen days preceding such first term, the petition may be presented on the first day of the second term.

**352.** The petitioners must give security for the costs at least ten days before the petition is presented to the court; otherwise such petition cannot be received by it.

**353.** The security required by the foregoing article is put in before the clerk of the court.

The sureties must be owners of real estate to the value of two hundred dollars, over and above any incumbrances there may be on such property. One surety suffices, provided he is an owner of real estate to the required value.

**354.** Such petition is presented in open court, together with the returns of the preliminary services.

**355.** If the court, after having heard the parties, is of opinion that the grounds set forth in the petition are sufficient in law to have the appointment declared null, it orders proof to be adduced and the parties interested to be heard, on the day of term it deems the most convenient.

**356.** The court proceeds in a summary manner to hear and decide such contestation.

The evidence may be taken orally or in writing, in whole or in part, as the court shall order.

**357.** The court by its judgment may confirm or annul the appointment, or declare another person to have been duly elected.

**358.** The court may condemn either of the parties to pay the costs of the contestation; and such costs are taxed and are recoverable against all parties to the suit and their sureties.

The judgment of the court in so far as regards the costs, is executory against the sureties, fifteen days after a copy thereof has been served upon them.

**359.** The court may order that its judgment be served at the expense of the party against whom the judgment has been given, upon the warden or upon the registrar, and on any person it may deem proper.

**360.** If the trial of the contestation is not concluded at the close of the term of the court to which the petition was presented, the sitting judge must continue it without interruption during the vacation, adjourning from day to day until he delivers his final judgment upon the merits of the contestation.

**361.** If the judgment annuls the election of the local councillors or any one of them, without stating who should fill such offices, the court must in the same judgment order a new election to replace the councillors whose appointments are so annulled, name for that object a person to preside at such election and fix the day and hour upon which a meeting of the municipal electors is to be held.

Such day must not be sooner than fifteen nor later than twenty days from the date of the judgment.

**362.** Such election must be announced by public notice, by the mayor in office, or by the secretary-treasurer if there be no mayor in office or if the mayor is the councillor whose appointment has been annulled.

If there be neither a mayor nor a secretary-treasurer in office, the notice is given by the warden of the county, as soon as a copy of the judgment has been served upon him.

The omission to give this notice prevents a meeting of the municipal electors from being held, and renders the persons whose duty it is to give it, subject to the penalty imposed by article 295.

**363.** In default of the person appointed by the court, the election is presided over by the secretary-treasurer, and in default of that officer, by the senior justice of the peace of the district present at the meeting.

In other respects, the election is held and conducted in conformity with the rules and formalities prescribed in the third chapter of this title, and the councillors elected at such election are invested with the same rights, and are subject to the same obligations and penalties as councillors appointed at general elections, and only remain in office for the time for which the persons whose elections have been set aside were appointed.

**364.** If the judgment of the court declares the appointment of the head of the council null and void without naming a person to replace him, the council must proceed to elect a new head within thirty days from the date of the judgment.

In default of such election, the head of the council may be appointed by the lieutenant-governor in the usual manner.

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## CHAPTER EIGHTH.

## OF THE OFFICERS OF THE LOCAL COUNCIL.

*General Provisions.*

**365.** Every local council must appoint, in the month of March of each year, in addition to the municipal officers which it is required to appoint in virtue of the other provisions of this code :

1. Three valuers ;
2. A road inspector for every road division in the municipality ;
3. A rural inspector for every rural division in the municipality ;
4. As many pound-keepers as it deems necessary.

**366.** The valuers, road inspectors and rural inspectors enter upon their duties, so soon as they have made oath, well and faithfully to discharge all the duties of their office. Pound-keepers enter upon the discharge of their duties on appointment.

All such officials remain in office until their successors enter upon the discharge of their duties.

**367.** Justices of the peace are exempt from serving as road inspectors, rural inspectors, or pound-keepers.

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SECTION I.*Provisions specially applicable to the Secretary-Treasurer of the Local Council.*

**368.** The secretary-treasurer of the local council must keep a "register of roads and water-courses," in which are entered, at full length, in the order of their dates, and certified to be correct by him, all *procès-verbaux*, acts of apportionment and by-laws in force respecting work to be done on the roads, bridges and water-courses to be built and kept in repair in the municipality under the control of the local council.

**369.** He must note on the margin of every document, so registered, any amendments which are subsequently made to such document, or its repeal in the event of its being repealed.

**370.** The secretary-treasurer must perform whatever it is his duty to perform under the provisions of the law respecting the jurors' list and the list of parliamentary electors.

**371.** The secretary-treasurer must prepare, in the course of the month of November in each year, a statement showing, in as many separate columns :

1. The names and qualities of all persons indebted towards the corporation or its officers for municipal taxes, as set forth in the valuation roll, if they are entered therein ;

2. The amount of all municipal taxes remaining due to the corporation by each of such persons or by persons unknown ;

3. The amount of municipal taxes due by each of such persons to the officers of the council ;

4. The amount of school taxes due by each of such persons, to the period of the drawing up of such statement, if a statement of such arrears has been lodged in time in the office of the council by the secretary-treasurer of the school commissioners or trustees ;

5. The expenses of collection due by such persons ;

6. The description of all real estate liable for the payment of the taxes mentioned in such statement ;

7. The total amount of taxes and costs affecting such real estate for municipal or school purposes ;

8. The reasons for which such sums were not collected ;

9. All other information required by the council, and all remarks connected therewith.

**372.** Such statement must be submitted to the council and approved of by it.

**373.** The secretary-treasurer must, before the twentieth day of December of each year, transmit to the office of the county council, an extract of such statement as approved by the council, containing :

1. The names and qualities of all persons indebted for municipal or school taxes, imposed on the real estate possessed or occupied by such persons ;

2. The description of all lands liable for the payment of municipal or school taxes ;

3. The sum total of the taxes affecting such lands, for municipal or school purposes.

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## SECTION II.

### *Of Valuers.*

**374.** No person can be a valuator unless he possesses as proprietor, either in his own name or in that of his wife, real estate to the value of four hundred dollars, according to the valuation roll, if there is one.

**375.** Valutors, in the execution of their duty, may demand the services either of the secretary-treasurer or of any other clerk.

The secretary-treasurer or clerk whose services have been so required, is entitled, for every day during which

he is employed, to a sum not exceeding two dollars, payable by the corporation, on certificate from the valuers who employed him.

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### SECTION III.

#### *Of Road Inspectors.*

**376.** The road inspector is bound to superintend all work ordered to be done in the constructing, improving or keeping in repair of local or county municipal roads, side-walks and bridges, situated within the limits of his division, and to take care that such work be performed in conformity with the provisions of the law, *procès-verbaux*, or by-laws which govern it, unless he be exempted therefrom by an order of the council or of the board of delegates under whose direction such work is being done, or unless a special officer has been appointed to superintend such work.

If any county municipal road is situated partly in one division and partly in another, it is under the joint and several superintendence of the inspectors of the two divisions.

**377.** Ferries are also under the superintendence of the inspector of the road division within the limits of which they are situated, unless they have been placed by the council under the superintendence of another officer.

**378.** Every road inspector appointed for a division has jurisdiction over every person liable to perform the works under his superintendence, whether such person is domiciled within or without the limits of his division.

**379.** Whenever the inspector of a road district is for any reason whatever, temporarily incapable of acting, the local council may appoint some person to replace him during such incapacity; in default of which the mayor must, during the continuance of such incapacity, place the division under the jurisdiction of another road inspector of the municipality, by a written order served on such inspector.

Such inspector is not thereby released from the superintendence of the division for which he had been in the first instance appointed.

**380.** The road inspector, in so far as regards his relations to the county works whereof he has the superintendence, is an officer of the county council.

**381.** Every road inspector who refuses or neglects without reasonable cause, to perform any duty which is imposed upon him by the provisions of this code or of municipal by-laws, or which is required of him in virtue of such provisions, or to obey the orders of the local or county council in respect of the works which are under

his superintendence, incurs, in addition to damages caused for each case of neglect or refusal, a penalty of not less than one, or more than twelve dollars, except in cases otherwise provided for.

**382.** Whenever any work must be performed in common upon any municipal roads or bridges, it is the duty of the road inspector of the division to give to those persons who are liable to perform such work, a special notice either verbally or in writing :

1. Of the time and place where such work must be performed ;

2. Of the quantity and description of materials which are required, and of the time and place where they must be provided ;

3. Of the amount of labor which each must contribute ;

4. Of the description of tools and implements required, which must be of the kind ordinarily used by farmers in the municipality.

**383.** If the nature of the work demands it, he may require each of such persons to bring or to cause to be brought a certain number of horses or oxen, with proper harness, carts or ploughs, if he have them.

Every day's labor of a horse or yoke of oxen, with harness, carts or ploughs, is credited to the person who brought the same, as one day's work.

**384.** It is the duty of the road inspector :

1. To direct and superintend the execution of all such work ;

2. To fix the hour of commencing and leaving off such labor, and the time for rest and meals, so that the day may consist of ten clear hours of labor on the spot where the work is to be done ;

3. To dismiss any person who is idle, who hinders the others from working, or who refuses to obey his orders.

He may at once fill up the place of any person who has not attended at the hour appointed for labor, or who has been dismissed, at the costs of the person so in default ; such costs may be recovered by the substitute or by the inspector in the manner prescribed for the recovery of penalties imposed by this code.

**385.** The road inspector must, on resolution of the local council to that effect, procure and keep under his charge, a snow plough, a roller, an iron or steel shod scraper or other implements to be used on the municipal roads in his division.

Every person who is bound to perform work on municipal roads, may be compelled by the road inspector of the division, to make use of such implements as part of the road work he is bound to perform.

The use of such implements is gratuitous and the out-

lay incurred for their purchase and repair falls upon the local corporation.

**386.** The inspector of roads must forthwith, or at the expiration of the delay granted in cases which come under the provisions of article 389, cause the removal or suppression of all obstructions and nuisances from the municipal roads, side-walks, ferries and bridges, within the limits of his jurisdiction, by the persons who have occasioned them, or in the event of their refusal or neglect, by any other person whom he authorizes so to do, at the costs of the person in default.

Such costs are recovered in the same manner as penalties imposed by the provisions of this code, and the local corporation is answerable therefor if the person in default is without means.

If the person who occasioned such obstructions or nuisances is unknown, they must be removed at the expense of the corporation of the local municipality.

**387.** The following are deemed obstructions or nuisances :

1. Filth, dead animals, or other objects placed or left on any municipal road or bridge, or in any water-course or ditch connected with such road or bridge ;
2. Any trench or opening made in any municipal road ;
3. The anchoring or mooring of any vessel, boat or other floating object, at the landing place of any ferry, so as to impede free approach to the beach or to a quay.

**388.** Whoever has committed any act which may have the effect of obstructing, impeding or rendering inconvenient the free passage of vehicles or foot passengers over any part of a municipal road, side-walk or bridge, or of impeding the free course of water in connection with such works, is deemed to have occasioned an obstruction or nuisance, within the meaning of the two preceding articles.

**389.** Whenever such obstruction arises in the course of some work duly authorized by law, by the council, or by the road inspector, under the provisions of any by-law or resolution passed in virtue of article 476, the same is not deemed an obstruction, within the meaning of those articles.

**390.** Whenever any such duly authorized work is in course of execution on any municipal road, side-walk or bridge, excavations and other dangerous places must be pointed out, both by day and night, in such a manner as to prevent accident, under a penalty not exceeding twenty dollars, for each day during which the provisions of this article are contravened, in addition to any damages occasioned thereby.

**391.** Whoever causes any obstruction or nuisance on any municipal road, side-walk, ferry or bridge, or renders

the use thereof difficult or dangerous, incurs for each offence, over and above the damages occasioned thereby, a penalty of not less than two or more than ten dollars.

**392.** The road inspector of the division must make a report to the council respecting any encroachments on the road, side-walks, bridges and other municipal public works which are under his superintendence.

**393.** Every road inspector, and every person who accompanies him, or who is authorized by him in writing, may in the day-time, without previous notice, enter upon any and whatever, whether occupied or unoccupied, inclosed or uninclosed, for the purpose of making a survey for any road, or upon any unoccupied land, for the purpose of searching for timber, stone or materials necessary to carry on any public work, by making compensation for actual damage done.

**394.** Every road inspector entrusted with the superintendence or direction of labor on any road, bridge, or other public work, may by himself or by others acting under his direction, and without previous notice, enter in the day-time, to the distance of one arpent from such public work upon any unoccupied land and take therefrom any materials requisite for such work, except fruit-trees, maples, planes, and any other trees preserved for ornament.

**395.** Such inspector must, as soon as possible, declare on oath, what he believes to be the value of the damage occasioned by the taking of such materials.

If the amount of damage exceeds twenty dollars, it must be assessed by the valuers of the municipality, according to the rules laid down in article 902 and the following articles of the title of expropriation for municipal purposes.

**396.** The amount of damage is paid by such road inspector, out of the moneys placed in his hands for defraying the cost of such works, to the person who has suffered the damage, all municipal taxes, fines or costs due by such person to the corporation or its officers being previously deducted therefrom. In default of such moneys it is payable by the corporation, saving its recourse against the persons bound to perform such works.

**397.** The road inspector may, without being authorized by the council, perform or cause to be performed, the works required on any municipal front road, by-road, side-walk, or bridge within the limits of his jurisdiction, which have not been performed in the manner or at the time prescribed by the persons bound to perform such works.

He may also furnish or cause to be furnished the materials which should have been furnished for such public works, and which have not been so furnished in the manner or at the time prescribed.

Nevertheless the cost of the work performed and the

materials furnished, in virtue of this article, must not exceed five dollars each year for each piece of land liable for such work, unless the road inspector has previously served on the persons liable for such municipal works, a special notice either verbal or written, enjoining them to perform such work or to furnish the materials required within a delay of four days, the whole without prejudice to penalties or damages incurred by such persons, by reason of their default to execute such work or to furnish such materials in the manner and within the delay prescribed by the *proces-verbaux*, by the by-laws or by law.

In every case, the road inspector who has performed work, or caused the same to be performed, or furnished materials, or caused the same to be furnished, under this article, must, as soon as possible, inform the persons in default thereof by a special notice, containing a statement of the amount due for such works or materials.

**398.** The value of such works or materials, with twenty per cent in addition thereto, may be recovered by the inspector of roads, as a debt due to himself, together with costs against any person bound to perform such works or furnish such materials, in the manner prescribed for the recovery of penalties imposed by the provisions of this code.

**399.** If the road inspector does not comply with the provisions of article 397, when the labor or materials required on any municipal works, in his division, have not been performed or furnished in the manner and at the time prescribed, he must report thereon to the council.

**400.** The council, on such report, authorizes the road inspector to cause the work to be done or the required materials to be furnished at the cost of the corporation, by some person selected either by it or by the inspector.

**401.** The cost of such works or materials is paid on the order of the road inspector, by the secretary-treasurer of the council, and is recovered by the corporation from the persons in default, with twenty per cent over and above the amount thereof, and costs, in the manner prescribed for the recovery of penalties imposed by this code.

**402.** The amount of any judgment rendered in favor of the road inspector or of the corporation, on any action brought to recover the value of the works performed or the materials furnished by either the road inspector or the corporation, and the twenty per cent in addition thereto, together with interest and costs, is assimilated to municipal taxes.

**403.** In every action brought, either by the road inspector or by the corporation to recover the value of such works or materials, the evidence of the road inspector is sufficient proof, if it is not contradicted by a witness worthy of belief, in the case where he establishes:

1. That the required formalities have been observed;

2. That the works have been executed, and the materials furnished ;

3. That the amount claimed is the real value of such works or materials ;

4. That the defendant is a person legally liable for the same.

**404.** The road inspector must, between the first and the fifteenth days of June and October, in each year, and moreover whenever he is required by the council or mayor :

1. Go over and inspect the municipal ferries, roads, side-walks and bridges in his division ;

2. Mark down the state in which he finds such ferries, roads, side-walks and bridges, and the works in connection therewith ;

3. Make note of any person who has neglected to fulfil his obligations, and prosecute him in the name of the corporation ;

4. Make a report in writing containing the substance of the notes he has taken and the information he has obtained since his last report, on every public work under his superintendence, and further stating the arrears of labor unperformed or of materials unfurnished, the value in money of such labor or materials, and the penalties and costs remaining unpaid, specifying the lands in respect of which the same are due, and the owners or occupants of such lands, if known.

**405.** When a municipal bridge or one forming part of a municipal road, or a bridge over a water-course is destroyed or broken, or whenever the use thereof becomes dangerous, the mayor of the local municipality in which such bridge is situated either in whole or in part, whether such work is a local or a county work, may in cases of urgent necessity, authorize the road inspector or any other person to reconstruct or repair the same, or to make a safe temporary bridge or crossing, at the expense of the local corporation.

The cost of such work is recoverable by the local corporation, from the persons or corporation who are liable therefor in virtue of the law, by-laws or *procès-verbaux*, in the manner laid down for the recovery of penalties imposed by this code ; and the amount of the judgment with interest and costs is assimilated to municipal taxes.

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#### SECTION IV.

##### *Of Rural Inspectors.*

**406.** Rural inspectors are bound to do whatever is required of them, in virtue of the provisions of this code,



respecting public nuisances, clearances, boundary ditches or boundary fences.

They are bound to superintend all works of construction, improvement or repair, ordered upon local or county municipal water-courses, situated within the limits of their divisions, and to take care that such works be performed according to the provisions of the law, *procès-verbaux*, or by-laws which govern them, unless they are exempted from so doing by an order of the council or of the board of delegates under whose direction such works are being executed, or unless a special officer entrusted with the superintendence of such works has been appointed.

They are also bound within the limits of the division for which they have been appointed, to perform all the other duties which are imposed upon them by the provisions of this code or by municipal by-laws.

**407.** The rules laid down in articles 378, 379, 380, and 381, regarding road inspectors, apply also *mutatis mutandis* to rural inspectors.

Articles 382, 383 and 384, are also applicable to such officers, when joint labor must be done upon water-courses.

**408.** The provisions of articles 397, 398, 399, 400, 401, 402, and 403, respecting the execution of work prescribed on municipal roads, side-walks and bridges by the road inspector or by the council in the name of the corporation, upon the default of the persons liable for such work, and respecting the recovery of the value of such work, apply with similar effect to work prescribed either under the provisions of this section, or prescribed on municipal water-courses, for the execution of such works by the rural inspector of the division, or by council in the name of the corporation, upon the default of the persons liable, and to the recovery of the value of work executed by such inspector or council.

**409.** Whenever the services of a rural inspector are required, under the provisions of the four following paragraphs of this section, in any locality situate partly within the limits of the jurisdiction of one rural inspector and partly within the limits of the jurisdiction of another, one or other of such inspectors may be required to act.

**410.** Every rural inspector, when required to act under the provisions of the four following paragraphs of this section, is entitled to ten cents for every hour employed in visiting the localities as well as in managing and superintending the works, if he does not perform them himself.

He has also a right to be repaid any necessary outlay and costs incurred by him for notices, or other papers requisite made under the same provisions.

Such costs are paid by the person whom the rural inspector finds in default. If no person is in default, they

are paid by the party who demands the services of the municipal officer. In case of common or joint works, they are paid by all the parties interested, if they are all in default.

In case of refusal or contestation, they are recovered in the same manner and with the same rights and privileges as the value of municipal works performed by the road inspector.

**411.** The rural inspector whose services have been required by the municipal council, or for the benefit of the corporation, is not entitled to any fee from the latter: the council may, nevertheless, allow him one.

**412.** Every special notice or order given by a rural inspector, may be given either verbally or in writing, saving in cases otherwise provided for.

Every order given by a rural inspector is given by special notice, subject to the provisions of article 228.

**413.** The rural inspector and any person interested may require from any possessor, tenant or occupant of any land, in the same manner as from the owner of such land, the fulfilment of every obligation imposed upon such owner in regard to clearings, boundary ditches, boundary fences or water-courses, saving the recourse of such possessor, tenant, or occupant, against the proprietor, if any there be.

**414.** The rural inspector must, on being authorized for such purpose by the mayor or the secretary-treasurer of the local council, make or cause to be made, at the expense of the corporation, in the snow or ice, trenches and all other works which are required to prevent floods and to facilitate the water in running off.

## § I.

### *Public Nuisances.*

**415.** Whenever any filth or dead animal has been deposited upon any property whatever or in a water-course, stream or river, it is the duty of the rural inspector of the division, within twenty-four hours after he has received a special notice, either written or verbal, so to do, to have such filth or dead animal removed by the person who deposited it.

If the person who has deposited such filth or dead animal is unknown, it is the duty of the rural inspector, within the same delay, to cause the same to be removed at the expense of the corporation.

**416.** Whoever deposits or causes to be deposited, any filth or dead animal upon any of the localities mentioned in the preceding article, incurs over and above any damages occasioned thereby, the penalties prescribed by article 891.

## § II.

*Clearances.*

**417.** The rural inspector, on either the written or verbal requisition of any owner or occupant of land in a state of cultivation, who requires a clearance to be made by his neighbour in virtue of article 531 of the civil code, must attend at the place where such clearance is required, after giving special notice of eight days in writing to the parties interested.

After an examination of the locality, and on proof that such clearance is necessary and has been demanded by special notice in writing, served before the first day of the preceding month of December, he enjoins by written order that within the thirty days next following, all shrubs which are of a nature to harm the cultivated land within an extent of fifteen feet in depth along the whole line of separation of such lands, and all trees which are found within such extent, casting a shade upon such cultivated land, saving those excepted by law, or reserved for the embellishment of the property, be cut down.

**418.** Whoever refuses or neglects to obey the orders of the rural inspector relative to the clearance, incurs, without prejudice to the execution of such orders, a penalty not exceeding two dollars for each arpent in length of such clearance, for the first year, and for every subsequent year a penalty equal to double that of the preceding year, over and above all damages occasioned to the cultivated land.

**419.** The damages resulting from the refusal or neglect to make the clearance as required by the rural inspector, are established by three experts appointed as follows: one by each of the interested parties, and the third by the two experts so appointed.

If one of the parties refuses to appoint an expert, he is appointed by a justice of the peace on the demand of the other party.

## § III.

*Boundary Ditches.*

**420.** The rural inspector, upon the written or verbal application of any owner or occupant who demands the opening up of a boundary ditch between his land and that of his neighbour, must visit the locality of such proposed boundary ditch, where, after an examination of the place, and a hearing of the parties interested who have received three days' special notice thereof, he orders the performance of any works which he deems necessary, and determines how and by whom they must be executed.

**421.** The rural inspector, on the written or verbal application of one of the neighbours who complains of the insufficiency or bad condition of the common or joint boundary ditch or of the part thereof for which his neighbour is liable, must, if it is necessary, order the person in default, to deepen, cleanse and repair such ditch or part of a ditch, or to do his share of such work within a fixed delay. Such delay must not exceed the time absolutely necessary to perform such work.

In case the work be not performed within such delay, the inspector may authorize the complainant to do the work himself, the cost thereof to be recovered in the same manner as penalties under this code.

**422.** He may, at the same time, order the party complaining to deepen, cleanse or repair that part of the boundary ditch for which he is liable, within the same delay, if he finds such part insufficient or in bad condition.

**423.** Whoever refuses or neglects to comply with the orders of the rural inspector given in virtue of the preceding provisions of this paragraph, incurs, over and above the damages resulting from the defect or insufficiency of his ditches, and without prejudice to the execution of such orders, a penalty not exceeding one dollar for every arpent in length of such ditch, which he has to make, every fraction of an arpent being counted as an entire arpent.

**424.** Whoever obstructs or allows any boundary ditch to be obstructed in any manner whatsoever, is liable to a penalty not exceeding one dollar for every day such ditch is so obstructed.

#### § IV.

##### *Boundary Fences.*

**425.** The rural inspector of the division, on the written or verbal application of any owner or occupant who demands the construction or repair, or any works necessary for the preservation of a boundary fence between his land and that of his neighbour, in virtue of article 505 of the civil code, must visit the boundary in question, where after having heard the interested parties, duly notified thereof by a special notice of three days, and examined the works required, he orders any party in default, whether complainant or not, to construct or repair his boundary fence so that it be good and firm, within the delay determined by such inspector. Such delay must be as short as possible.

**426.** The rural inspector cannot order the making, in a rural municipality, of a new fence, or the repairing of an old one when so dilapidated that the cost of repairing it would be equal to that of a new one, unless the party

bound to do such work has received special notice in writing, to such effect, before the first day of the preceding month of December.

**427.** Article 423 relative to boundary ditches, applies also to persons liable for boundary fences.

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## SECTION V.

### *Of Pound-Keepers.*

**428.** Pound-keepers are bound to receive and retain in safe keeping, animals found straying on any beach, flat, road or public place, or on any land other than that of their owners, and impounded by the rural inspector or by any other person who finds them, until such animals are reclaimed by their owners, or sold at auction under the provisions of this section.

**429.** Pound-keepers are bound to provide animals impounded under their charge, with proper food in sufficient quantities, and to take proper care of them under a penalty not exceeding one dollar for each day during which they neglect so to do, without prejudice to all damages occasioned by such neglect.

Such penalty belongs to the owner of the animal, and is recoverable by him only.

**430.** Whenever any animal is impounded, it is the duty of the pound-keeper, under a penalty of not less than two, nor more than ten dollars for each act of neglect on his part, to give without delay special notice, either written or verbal, to the owner of the animal impounded, if he is known and domiciled in the municipality.

**431.** If the animal is not reclaimed within the twenty-four hours which follow such special notice, or if the owner thereof is unknown or does not reside in the municipality, the pound-keeper must, under the same penalty, give public notice, in which are set forth the species and color of the animal, the place where it was found straying, and the name of the place where it is impounded, and he must further announce its sale by auction on a day fixed, unless such animal is reclaimed by its owner upon payment of all expenses, penalties, fees and costs incurred, as well as such damages as may be agreed upon, or as are determined according to article 442.

**432.** The owner of any animal impounded may demand its delivery, between the hours of seven o'clock in the morning and seven o'clock in the evening of any day, upon payment or legal tender to the pound-keeper of the expenses, fines, fees and costs incurred

respecting such animal, and such damages as may be agreed upon, or are determined according to article 442.

If the pound-keeper refuses or neglects to deliver the animal kept in pound after such payment or tender has been made, he incurs a fine of two dollars for every day he thereafter detains such animal, in addition to the damages occasioned by such refusal.

**433.** If on the day fixed for the sale, the animal impounded has not been reclaimed, and if the damages fixed together with the penalties, fees, expenses, and costs incurred have not been paid, such animal must be publicly sold by the pound-keeper to the highest and last bidder.

**434.** If, on the day fixed for the sale, there are no bidders, the sale is adjourned to another day, and a public notice thereof is given without delay.

**435.** The price of adjudication must be instantly paid and before delivery, in default whereof the animal is again put up for sale.

**436.** The proceeds of the sale are employed in paying what is due in consequence of the impounding of the animal; and the balance is placed without delay in the hands of the secretary-treasurer of the local council, and, if not reclaimed within a year by the owner of the animal sold, belongs to the corporation.

**437.** If the sale has not realized a sufficient sum, the owner of the animal is liable to make up the balance.

**438.** The owner of any animal so sold, if he does not reside in the municipality, or if his place of business is not situated therein, may reclaim his animal from the purchaser, within one month from the day of sale, by paying him ten per cent on the purchase-money, over and above all disbursements for purchase, keep and other charge.

**439.** Whoever takes and conveys away any animal impounded, without permission from the pound-keeper, incurs a penalty equal to the sum claimed on account of such animal, and in addition, a fine of two dollars, or imprisonment not exceeding eight days, or both.

**440.** Penalties imposed on the owners of animals found straying, are for the first offence as follows:

For each stallion not under one year.....	\$6 00
do bull, bear, or ram.....	2 00
do gelding, colt, filly, mare, ox, cow, calf, heifer, or hog ringed.....	0 25
do hog not ringed or goat.....	1 00
do sheep.....	0 10
do goose, duck, turkey or other poultry.....	0 05

For each subsequent offence the penalty is double that imposed in the last instance.

Such penalties may be paid to the pound-keeper before suit brought.

**441.** The penalties mentioned in the preceding article may be paid to the pound-keeper before suit brought for their recovery.

**442.** In case of contestation, the damages occasioned by animals found straying, are ascertained and determined by three experts appointed as follows: one by the complainant, one by the owner of the animal, and the third by the two experts already appointed.

If the complainant or the owner of the animal is not present, his expert is appointed by the pound-keeper. If one of the parties, or in his absence, the pound-keeper, refuse to appoint his expert, he is appointed by a justice of the peace.

These experts must be appointed summarily and without delay, on the demand of the owner of the animal, or of the complainant.

The experts at once proceed to view the damages and to render their judgment, which is final and conclusive.

The amount of damages determined by them is recoverable, in case of refusal to pay the same, in the same manner as penalties imposed under this code.

**443.** No one is entitled to compensation for damages caused upon his land by stray animals if such damages are occasioned by the absence or defect of his boundary fences.

**444.** It is not necessary that animals found straying be impounded to give rise to a right of action against the persons permitting such animals to stray, for the penalty and damages occasioned.

**445.** The occupant of any land is answerable for any animal he receives to pasture thereon, as if such animal were his own property.

**446.** Persons in possession of animals found straying, or impounded, have the same rights and privileges and are subject to the same obligations, and liable to the same penalties as the owners of such animals.

**447.** Any owner or occupant of land, or any member of his family, may take and impound on his own premises, any animal found straying in the municipality, on any beach, flat, road, public place, or upon any land, with the same powers and formalities, and under the same obligations and penalties as pound-keepers appointed by the council.

In cases which come under the provisions of this article, the animal so impounded cannot be sold except by the pound-keeper of the rural division, if there be one, or if there be no pound-keeper or if he neglect to do so, then by the rural inspector of the division, without, however, in any manner, rendering the corporation, whose officers they are, responsible.

**448.** Penalties recovered under the provisions of this title, except in the case mentioned in article 429, are divided according to the rule prescribed in article 1048.

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## BOOK SECOND.

### POWERS OF MUNICIPAL COUNCILS.

#### *Preliminary Provisions.*

**449.** In addition to the powers which are conferred upon them by the provisions of this book, municipal councils may further exercise those conferred upon them by other provisions of this code, or of any other law not inconsistent with this code.

**450.** By-laws, resolutions and other municipal ordinances, must be passed by the council in session.

**451.** Municipal councils, in exercising their powers, must comply with all the formalities prescribed by the by-laws in force in the municipality, in addition to the formalities required by the provisions of this code.

**452.** The powers specially conferred on any municipal council by the provisions of this code, can be exercised by such council only.

Nevertheless any council which, under the municipal code, no longer possesses the powers which were conferred upon it by acts antecedent to the coming into force of this code, may repeal the acts which it shall have passed under such powers

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### TITLE FIRST.

#### MUNICIPAL BY-LAWS.

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### CHAPTER FIRST.

#### GENERAL PROVISIONS.

**453.** The by-laws of municipal councils must not contain any provisions inconsistent with those of this code or of any other law.

**454.** Municipal by-laws come into force and effect as law, if not otherwise prescribed in the provisions contained in



such by-laws, fifteen days after their promulgation; except always in the case of appeal to the county council against the passing of a by-law by the council of a rural municipality, and in any other case otherwise provided for by the provisions of this code.

**455.** Municipal by-laws which, in consequence of certain provisions of their own or of this code, can only come into force at some stated period, must be promulgated at least fifteen days before such period.

**456.** Every by-law passed by the council of a rural municipality and amended or confirmed in appeal by the county council, comes into force fifteen days after its promulgation or publication in virtue of article 695.

**457.** The original of every municipal by-law, to be authentic, must be signed either by the head of the corporation, or by the person presiding at the council at the time such by-law was passed, and by the secretary-treasurer.

If it has been necessary to submit the by-law for the approval of the municipal electors or of the lieutenant-governor in council, before it can come into force, and it has received one or other of such approvals, a certificate under the signature of the head of the council and of the secretary-treasurer thereof, certifying to each of these facts, must accompany and form part of the original of such by-law.

**458.** The secretary-treasurer of the county council must transmit a certified copy of any by-law passed by such council, to the office of the council of each local municipality within the limits of which such by-law is in force.

**459.** One or more of the subjects mentioned in the provisions of this title may be provided for in one and the same by-law, provided that each of such subjects is within the jurisdiction of the council which passes such by-law.

In the case of several subjects, provided for in one and the same by-law, requiring the approval of the municipal electors or of the lieutenant-governor in council, one approval given either by the municipal electors or by the lieutenant-governor, or by both if necessary, suffices for the entire by-law.

**460.** The council may also exercise by resolution the powers conferred upon it by articles 475, 476, 477, 478, 484, 485, 486, 487, 488, 499, 503, 504, 505, 506, 518, 519, 526, 527, 541, 543, 555, 556, 586, 587, 588, 589, 590, 591, 608, 625 and 663.

**461.** Municipal by-laws are binding until they have been annulled by the magistrate's court, or by the circuit court for the county or district, saving all recourse for damage against the corporation as prescribed by the rule laid down in articles 706 and 707.

**462.** Municipal by-laws remain in force until they are

amended, repealed or annulled by some competent authority, or until the time for which they have been made has expired.

**463.** Municipal by-laws which were submitted to the approval of the municipal electors, or of the lieutenant-governor in council, or of both, before they came into force and effect, can only be amended or annulled by another by-law approved of in the same manner.

## CHAPTER SECOND.

### BY-LAWS WITHIN THE JURISDICTION OF ALL MUNICIPAL COUNCILS.

**464.** Every municipal council has a right to make, amend or repeal by-laws which refer to itself, its officers, or the municipality, upon any of the subjects mentioned in this chapter:—

#### SECTION I.

##### *Government of the Council and of its Officers.*

**465.** To compel members of the council to attend the sittings of the council or the committees thereof, and to perform their duties thereat.

**466.** To regulate the manner in which debates are to be carried on and order and decorum preserved during the sittings of the council or of the committees.

**467.** To fix the number of days the ordinary sessions may last.

**468.** To order that the municipal by-laws, before the passing thereof, be read two or three times, either on the same or on different days.

**469.** To appoint an officer, whose duty it shall be to serve the special notices required by the provisions of this code or of municipal by-laws, and to oblige such officer to take an oath of office.

The appointment of any such officer does not render other municipal officers incapable of making the services which they are authorized to make by this code.

**470.** To define the duties, not defined by this code, of the officers of the council; and to impose penalties in accordance with article 508, for negligence or omission in the performance of their duties in cases in which penalties have not been fixed by this code for any such act of neglect or omission.

**471.** To establish a tariff of fees payable to municipal officers for their services, whether by the persons who

have required such services, by those in whose interest they were rendered, or by the corporation, in the cases where the fees for such services have not been determined by the provisions of this code.

Every tariff made in virtue of this article must be posted up in a conspicuous place in the office of the council.

**472.** To fix the remuneration of municipal officers by the council in addition to the fees or penalties which they are entitled to receive under the authority of this code, of any other act, or of any municipal by-laws.

**473.** To determine upon what days of the week, the office of the council is to be kept open between nine o'clock in the forenoon, and four o'clock in the afternoon.

In default of the council determining such office days in virtue of the preceding provision, the office of the council must be kept open every juridical day, during such hours.

**474.** To order the publication, in one or more newspapers, of the notices of meeting of the council.

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## SECTION II.

### *Public Works of the Municipality.*

**475.** To order and regulate, when in the interest of the inhabitants of the municipality, or of a considerable portion thereof, the construction, opening up, widening, deepening, altering, repairing, or maintaining, at the expense of the corporation, of all ditches, water-courses, sewers, embankments and fences.

Every by-law made in virtue of this article, concerning a water-course, governed by an act of agreement, or by a *procès-verbal*, has the effect of subrogating the corporation in the place and stead of the persons bound to work at such water-course, in so far as the obligation to do such works is concerned.

**476.** To authorize road inspectors to permit the execution of certain works, on municipal roads, fords, ferries, sidewalks or bridges, under the control of the council, which might have the effect of obstructing, impeding, inconveniencing and rendering passage on such public works dangerous; and in every such case, the council must determine the conditions under which such permits may be granted.

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## SECTION III.

*Aid in the construction, improvement and maintenance of Public Works or Undertakings not belonging to the Corporation.*

**477.** To assist by money, granted or lent, in the construction, repair or maintenance of any road leading to the municipality, or of any bridge or public work, under the direction of the corporation of any other municipality.

**478.** To aid in opening up and improving the colonization roads declared by the lieutenant-governor in council to be colonization roads of the second or third class, in which the corporation has been held to be interested, in virtue of any law concerning colonization roads.

**479.** To aid in the construction of any bridge, causeway, pier, wharf, slide, macadamized or paved road, iron or wooden railroad, or other public work, situated in whole or in part within the municipality or its vicinity, to be undertaken and built by any incorporated company, or by the provincial government;

1. By taking and subscribing for shares in any company formed for such purpose;

2. By giving or lending money to such company or to the provincial government;

3. By guaranteeing by endorsation or otherwise any sum of money borrowed by such company or by the government.

**480.** To subscribe for or hold stock in any company formed for the purpose of constructing electric telegraph lines.

**481.** Every by-law passed in virtue of the two preceding articles, before coming into force and effect, must be approved by the electors of the municipality and by the lieutenant-governor in council.

**482.** If the price of the shares fixed upon by a by-law of the council passed in virtue of articles 479 and 480 is not in hand, none of such shares can be taken or subscribed for in execution of such by-law, by the head of the council or other person thereunto authorized, before the council has ordered an issue of debentures or a loan to be contracted sufficient to cover the amount of shares to be subscribed for.

**483.** By-laws made in virtue of articles 477, 479 and 480, may determine the conditions under which assistance or subscription for shares is authorized.

## SECTION IV.

*Aid to Colonization, Agriculture, Horticulture, Arts and Sciences.*

**484.** To aid, in every suitable way, colonization within the province; and agriculture, horticulture, arts and sciences, within the municipality.

## SECTION V.

*Acquisition of Property and Public Works.*

**485.** To acquire, gratuitously or for a consideration, either in whole or in part, all beach lots, bridges, toll-bridges, roads, wooden railways, macadamised roads, piers, wharves, dykes, embankments or other public works, a part at least whereof is situate within the limits of the municipality, together with the lands and dependencies required for the use or management of the same.

**486.** To acquire, for the use or in the interest of the corporation, either gratuitously or for a consideration, any other land situated either within or without the limits of the municipality.

**487.** To acquire, either gratuitously or for a consideration, from the government of the province or from the government of Canada, any public roads, wharves, canals, harbors, bridges or public buildings, whether either within or without the limits of the municipality, and which such government finds desirable to place under the control of the municipal corporation.

**488.** To provide for the purchase or erection of any building which the corporation requires.

## SECTION VI.

*Direct Taxation.*

**489.** To levy by direct taxation on all the taxable property or only on all the taxable real estate of the municipality, any sum of money required to defray the expenses of administration, or for any special purpose whatever within the scope of the functions of the council.

**490.** To levy by means of direct taxation on all the taxable property or only on the taxable real estate belonging to those persons who, in the opinion of the coun-

cil, are interested in any public work carried on under the control of the corporation, or belonging to those who benefit by such work, all sums of money required for the construction and maintenance of such work.

**491.** To levy, by means of direct taxation, money required for any purpose within the scope of the functions of the council, on all taxable property, or only on all taxable real estate comprised within a part of the municipality, on petition by the majority of the rate-payers liable to pay such tax, to the extent and under the conditions set forth in such petition.

The county council only exercises the power conferred by this article when the territory, by the majority of the rate-payers of which such petition was presented, is situated in two or more local municipalities of the county, or when the money to be raised and levied is to be employed on some public work which falls under its jurisdiction.

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## SECTION VII.

### *Loans and Issue of Debentures.*

**492.** To borrow money in sufficient sums for any purposes within the jurisdiction of the council.

**493.** To issue debentures for any amount deemed requisite to obtain money for any purposes within the jurisdiction of the council.

**494.** Every municipal by-law, which orders or authorizes a loan or an issue of debentures, must declare the purposes to which the sum so borrowed must be applied, and may contain all provisions deemed requisite to ensure the proper application of the money and the attainment of the end set forth in the by-law.

**495.** No debentures can be issued, and no loan can be contracted, unless the by-law which authorizes the issue of such debentures or the contracting of such loan, imposes upon all taxable property liable for the payment of such loan or debentures, an annual tax sufficient for the payment of the yearly interest thereon, and, at least two per cent over and above such interest, as a sinking fund, until the extinction of such debt.

**496.** Every by-law which orders or authorizes a loan or an issue of debentures, must, before coming into force and effect, be approved by the electors of the municipality when the taxable property or the taxable real estate of the whole municipality is subject for the payment of such loans or debentures, and in all cases by the lieutenant-governor in council.

**497.** If only the taxable real estate of the municipality is liable for the payment of such loan or debentures, the municipal electors who are the proprietors of such real estate, are alone entitled to vote in approval or disapproval of such by-law.

**498.** It is the duty of the secretary-treasurer of the council which has passed any such by-law, to forward to the lieutenant-governor, together with a copy of the by-law submitted for approval, a statement showing the total value of taxable property liable under such by-law, and all the debts and liabilities of the corporation.

Such statement must be attested under the special oath of the secretary-treasurer.

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## SECTION VIII.

### *Administration of Corporation Funds.*

**499.** To deposit at interest in a chartered bank, or to invest in the public funds of Canada, or of this province, any moneys belonging to the corporation.

**500.** The secretary-treasurer is always authorized, even in the absence of any by-law or resolution to that effect, to deposit temporarily in a duly chartered bank, all moneys proceeding from municipal taxes or dues or belonging to the corporation, and to leave such moneys at deposit, until applied to the purposes for which they were levied, or until disposed of by the council.

He is bound so to do, when required by the council or by the head of the council.

**501.** All sums of money not especially appropriated form part of the general fund of the corporation.

Whenever any sum levied exceeds in amount the sum required by the council to meet the liabilities for which such sum was raised, the surplus belongs to the corporation and falls into the general fund thereof.

**502.** All sums of money forming part of the general fund of the corporation, may be employed for any purpose within the scope of the functions of the council.

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## SECTION IX.

### *Miscellaneous Provisions.*

**503.** To establish and manage a sinking fund for the purpose of liquidating any municipal debt.

**504.** To have a census taken of the inhabitants of the municipality, or of a portion of the municipality.

**505.** To give rewards for the destruction of wild animals; and to determine the conditions upon which such rewards are given.

**506.** To offer and give rewards for information which may lead to the discovery and arrest of persons who have committed criminal offences.

**507.** To authorize the officers of the council to visit and examine all property, whether moveable or immovable, as well as the interior or exterior of every house, building or other edifice, to ascertain whether or not the by-laws of the council are carried out.

To oblige owners or occupants of such properties, buildings and edifices to receive the officers of the council, and to answer truly all questions which are put to them relative to the carrying out of such municipal by-laws.

**508.** To impose for each violation of any by-law of the council, a penalty, in the shape of a fine not exceeding twenty dollars, or imprisonment not exceeding thirty days, or both together.

Penalties imposed for the violation of municipal by-laws cannot be inflicted by the court unless they are fully described and set forth in the by-laws respecting them.

**509.** Every council may also, in the interest of the inhabitants of the municipality, make, amend or repeal any other by-law, for a purely local and municipal object and not specially provided for by this code.

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## CHAPTER THIRD.

### BY-LAWS SPECIALLY WITHIN THE JURISDICTION OF COUNTY COUNCILS.

**510.** Every county council may also make, amend or repeal by-laws for any of the objects mentioned in this chapter:—

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#### SECTION I.

##### *Chief-Place.*

**511.** To fix or change the chief-place of the county.

Nevertheless the chief-place of the county can only be changed by a by-law passed with the concurrence of two-thirds of the members of the council in office.

After a registry office has been established therein, ac-



cording to the provisions of article 2158 of the civil code, or a public building for the use of such council has been provided, or is in course of construction, the chief-place can only be changed by the provincial legislature.

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## SECTION II.

### *Circuit Court and Registry Office of the County.*

**512.** To determine the place where the circuit court for the county is to be held in conformity with the provisions of chapter seventy-nine of the consolidated statutes for Lower Canada.

**513.** To provide for the construction and maintenance of a building designed for the circuit court at the place appointed for such purpose.

**514.** To provide for the construction and maintenance of a registry office either apart from or forming part of any court house in the county, with a metal safe, or fire-proof vault for the preservation of the books, deeds and papers of the office.

**515.** Every county corporation is bound to provide and keep constantly in perfect repair a suitable and ample metal safe or fire-proof vault in the registry office of the county or registration division, no matter where the building may be situated in which such registration office is established or removed to.

Every corporation which omits or neglects to comply with the provisions of this article is liable to the crown in a penalty of two hundred dollars, recoverable as a debt due to Her Majesty, and is further responsible for all damages occasioned by such omission or neglect.

**516.** If it is established that a registry office is without a vault or safe, or that such vault or safe is defective, the lieutenant-governor may order the recovery of such penalty from the county corporation in default, and may cause a proper safe to be placed or a proper vault to be built in such registry office, or the existing safe or vault to be renewed or repaired at the cost of the province; and the sum so expended may be recovered from the corporation as a debt due to the crown.

**517.** If there are several county municipalities in the same registration division, the penalty, expenses and costs are due by all the county corporations, and may be recovered from any one of them, saving its recourse against the others for their proportions.

**518.** To ensure the copying of all deeds which must be deposited in the registry office, according to the ninety-

fourth section of chapter thirty-seven of the consolidated statutes for Lower Canada.

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### SECTION III.

#### *Roads and Bridges.*

**519.** To cause mile posts and guide posts to be set up on municipal public roads, or on those belonging to trustees of turnpike roads or others, to show the distance from the principal places to which such roads lead, at the expense of the corporations of local municipalities in which such mile posts are placed.

**520.** To place toll-bars on the bridges under the control of the corporation of the county; and to levy toll on the persons, animals and vehicles which pass over such bridges.

The council may by such by-law or by any subsequent by-law, exempt from tolls such persons as it may deem desirable.

By-laws made under this article have no force and effect, until they have been approved by the lieutenant-governor in council.

**521.** To prohibit the use by persons living in the municipality of any winter vehicles on municipal roads or on roads belonging to trustees of turnpike roads or others, unless the horse or horses or other beasts of draught, when they are not harnessed abreast, be harnessed in such a manner that the left runner of the vehicle shall run in the tracks of such horse or horses or other beasts of draught; and further to regulate the construction of the vehicle to be used by such persons on such roads in so far as the length and breadth thereof is concerned.

Any by-law made in virtue of this article can come into force only after it has been approved of by the municipal electors and by the lieutenant-governor in council.

**522.** To prevent, on the opposition of any interested party, the construction of macadamised or planked roads by road companies, according to the provisions of chapter seventy of the consolidated statutes for Lower Canada.

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### SECTION IV.

#### *Fire in the Woods.*

**523.** To determine the periods of the year during which fire must not be applied within the limits of the munici-

pality, to lands, brush wood, trunks of trees, stumps, fallen trees and other timber, for the purpose of clearing or improving lands.

This power, however, is not to be construed so as to affect the provisions of chapter : XXXVI of 33 Victoria, statutes of the Province of Quebec.

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#### SECTION V.

##### *Indemnity to Members of the Council.*

**524.** To award and fix an indemnity to the warden to the members and to the delegates of the council, for their travelling expenses and board.

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### CHAPTER FOURTH.

#### BY-LAWS SPECIALLY WITHIN THE JURISDICTION OF LOCAL COUNCILS.

**525.** Every local council may further make, amend or repeal by-laws for each of the objects mentioned in this chapter :—

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#### SECTION I.

##### *Public Highways.*

#### § I. ROADS AND BRIDGES.

**526.** To order the opening, construction and maintenance of public roads or bridges in the municipality, under the management of the council.

**527.** To order the widening, altering, or change of position of all municipal bridges or roads, in the municipality.

**528.** Whenever a municipal council has passed a by-law or a resolution, in virtue of the two preceding articles, the proceedings prescribed by the provisions of articles 794 and the following articles to article 821 inclusively must be carried on without delay ; to regulate, determine, and apportion the works ordered by such by-law.

**529.** Nevertheless, if the works must be executed at the expense of the corporation, under article 535, no *procès-verbal* is made, and the works are regulated and determined by the council which orders the same.

**530.** To order after having given public notice, the closing or destruction of any municipal road in the municipality, whether governed by a *procès-verbal* or not.

**531.** The opening, constructing, widening, altering, diverting, or keeping in repair of municipal roads or bridges, may also be ordered by a *procès-verbal* duly homologated by any council or by a board of county delegates, subject nevertheless to the approval of the county council in the case of the following article.

**532.** Any by-law made to close a road leading into or from any neighbouring local municipality, or for diverting such road at a point where it leads into or from such municipality, has no force and effect until approved of by a resolution of the county council. If the neighbouring local municipality forms part of another county municipality, the by-law must also be approved by a resolution of the council of such county municipality.

**533.** To cause the levelling or cleaning of any ford and the raising, rounding, paving, macadamising, gravelling or planking of any road or part of a road under the direction of the council, at the costs and charges of any one who is liable for the work on such ford or road.

Nevertheless if the work of paving, macadamizing, gravelling, or planking, must be performed by the rate-payers liable for the road work, or at their expense, the by-law which orders such work can only be passed on petition of the majority of the taxable proprietors so liable.

**534.** The works ordered on municipal roads by any by-law made in virtue of the preceding article, are governed and determined by the by-law which prescribes them, even in cases in which they must be performed by the rate-payers bound to do work on such roads by *procès-verbal* or by the sole provisions of the law.

**535.** To order that all the local or county municipal roads or bridges for which the rate-payers are liable, and which are situate within the limits of the local municipality, be, for the future, made, improved and maintained at the costs and charges of the corporation of such local municipality, out of moneys levied by means of direct taxation for such purpose, on all the taxable property in the municipality.

The council may, however, except and leave in the keeping of the persons who are bound to do work thereon, front roads as well as roads or bridges leading exclusively to ferries or toll-bridges.

This article does not apply to those referred to in article 749.

Any by-law made in virtue of this article shall only come into force on the first day of the month of January following its promulgation.

**536.** During the whole time that a by-law, passed in virtue of the preceding article for the purpose of placing such works at the costs and charges of the municipal corporation, remains in force, no rate-payer is liable for work on roads or bridges thus placed at the charge of the corporation and such corporation is substituted in the place and stead of the rate-payers, in all the obligations they are under in respect of such works, whether they proceed from *procès-verbaux*, by-laws, or the provisions of the law, under the same penalties as such rate-payers.

**537.** During the whole time such a by-law continues in force, every part of a *procès-verbal* or of a by-law which determines the work to be done, the manner in which it is to be done, the nature and quality of the work, and the duties of the road officers, remains in force and is obligatory upon the corporation; the other parts of the *procès-verbal* or of the by-law are suspended, and after the repeal of such by-law, revive and take effect.

**538.** The council may by resolution define the manner in which the money levied for such work must be expended and applied in the municipality.

It may also, for the execution of such work, make any contracts it thinks proper, in conformity with articles 786 and 787.

**539.** The road inspector of the division must take care that such work is executed by the corporation in the manner required by the *procès-verbaux* or by the provisions of law which govern the same.

In case of neglect, he must require the corporation to perform such work, and for any default so to do, prosecute it in his own name.

**540.** No by-law made in virtue of article 535, can be repealed except by another by-law voted by two-thirds of the members of the council, which shall only come into force on the first day of the month of January next after its promulgation.

**541.** To fix the time during which persons bound to keep in repair, winter roads under the control of the corporation must keep the fences, mentioned in article 836 levelled, in the manner set forth in such article; to compel such persons to put the fences up again; or to exempt them from taking them down.

**542.** To place turnpikes on bridges, or on macadamised, paved or planked roads, under the control of the local corporation; and to levy tolls on persons, animals and vehicles passing over such bridges or roads.

The two last paragraphs of article 520, apply also to by-laws made in virtue of the preceding provision.

## § II.

*Public Places.*

**543.** To open, enclose, embellish, improve and maintain, at the costs and charges of the corporation, squares, parks, or public places, of a nature to conduce to the health and well-being of the inhabitants of the municipality.

## § III.

*Sidewalks and Sewers.*

**544.** To oblige the proprietors of lands situated on roads belonging to trustees of turnpike roads, on municipal or other roads, or on public places, in the whole municipality or in a part only of the municipality, to make and maintain on such roads or public places, in front of their respective properties, sidewalks of wood, stone or other material fixed upon.

**545.** To oblige such proprietors to make and maintain sewers in front of their respective properties.

**546.** To fix upon the manner in which such sidewalks or sewers must be made or maintained; and even to construct them at the expense of the corporation.

## § IV.

*Miscellaneous Provisions.*

**547.** To cause trees to be planted along roads, belonging to trustees of turnpike roads or along municipal or other roads, or along sidewalks or public places, either at the expense of the persons bound to maintain such roads or sidewalks or at the expense of the corporation.

**548.** To prevent parties from driving or riding faster than at an ordinary trot, on roads belonging to trustees of turnpike roads, or on municipal or other roads or in public places within a radius of half a mile from any church.

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SECTION II.*Ferries.*

**549.** To regulate the ferries which are under the direction of the corporation; and to determine the amount to be paid and the conditions to be observed to obtain any ferry license.

**550.** To fix or approve the tolls payable for crossing such ferries either in a boat, steamboat or other craft.

**551.** No by-law made in virtue of the two preceding articles can fix or approve the tolls payable by certain persons at a less sum than those payable by others, nor give certain persons or localities advantages refused to others.

**552.** No license issued for a ferry can be granted for a period exceeding twelve months.

**553.** If the ferry is under the joint control of two local municipalities, as prescribed by article 861, the council of either municipality may make by-laws respecting such ferry, under articles 549 and 550 ; but such by-laws have no force and effect until they are approved by a resolution of the council of the other municipality, or in default of such resolution, by the lieutenant-governor in council.

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### SECTION III.

#### *Plan and Division of the Municipality.*

**554.** To have maps, plans or surveys of the municipality made.

Maps or plans of the municipality, prepared at the expense of the corporation, must be made by a provincial surveyor and upon a scale of at least four inches to the mile.

**555.** To divide the territory of the municipality into as many road divisions as may be deemed expedient, for the superintendence and direction of works on municipal roads and bridges and any other works under the jurisdiction of the road inspectors.

**556.** To divide the territory of the municipality into such rural divisions as may be deemed expedient for the purposes of superintendence and direction of works in connection with water-courses, fences, ditches, and all other undertakings under the jurisdiction of rural inspectors.

**557.** If the municipality is not divided into several rural or road divisions, it forms one division only.

If in virtue of the two preceding articles any changes are made in the division of the municipality, while inspectors are in office, the jurisdiction of each must be determined by a resolution of the council ; otherwise such inspectors continue in the exercise of their jurisdiction as if no changes had been made.

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## SECTION IV.

*Abuses prejudicial to Agriculture.*

**558.** To prevent the cutting down, damaging or destruction of trees planted or kept for shade or ornament as well on public roads as on private property.

**559.** To prevent or cause to be done away with all abuses prejudicial to agriculture and unprovided for by law.

**560.** To establish pounds, in which poultry or animals found straying on beaches, flats, roads or public places, or on the property of another than their owner, may be impounded; to appoint keepers of such pounds, and to determine their fees.

The provisions of this article are binding on every town or village council, and every such council must comply therewith, within four months from the time when this code comes into force.

## SECTION V.

*Sale of Intoxicating Liquors.*

## § I.

*Prohibition of the Sale of Intoxicating Liquors.*

**561.** To prohibit the sale of intoxicating liquors in quantities less than three gallons, or one dozen bottles of at least three half pints each, at one and the same time, and the granting of licenses therefor, within the limits of the municipality and on the ferries which are dependencies of such municipality.

**562.** Every by-law made in virtue of the preceding article, whether for prohibiting the sale of intoxicating liquors and the issue of licenses therefor, or for repealing any such prohibitory by-law, only comes into force from the first day of the month of May which follows its promulgation, provided always that before such period an authentic copy thereof has been sent to the collector of inland revenue of the district.

**563.** The collector of inland revenue of the district cannot, so long as such by-law remains in force, issue licenses authorizing the vending or retailing of intoxicating liquors in a quantity less than three gallons, or a dozen bottles of at least three half pints each, at one and the same time, in any inn, tavern or other house or place of public entertainment, store, shop or other locality whatsoever in the municipality.



**564.** If a prohibitory by-law has been annulled, the collector of inland revenue cannot, within two months from the date of such judgment, grant any license, the issue of which the council prohibited or had the intention of prohibiting by such by-law so annulled.

During such interval, the council which passed the by-law so repealed may make and put in force, according to the ordinary rules, another by-law for the same purpose, and send a copy thereof to the collector of inland revenue of the district.

**565.** Licenses granted in contravention to the provisions of a prohibitory by-law, and to those of this code, are null and void, within the limits of the municipality where such provisions are in force.

No license issued to distillers, or brewers, or for the retail of intoxicating liquors on board of any steamer or other vessel, or any other license whatsoever, can in any wise avail to render legal any act done in violation of this section.

**566.** In any municipality in which a prohibitory by-law, made in virtue of article 561, is in force, no person shall, under a penalty of fifty dollars or imprisonment for three calendar months, or of both together, for each offence, expose or keep for sale, sell, barter, or give in exchange for any chattel or consideration, intoxicating liquors in smaller quantities than those prescribed by the said article, delivered, taken or carried away at one and the same time, by himself, his clerk, servant or agent, directly or indirectly, on any pretence whatsoever, unless it be exclusively for medicinal purposes, for use in divine worship, or for *bona fide* use in some art, trade or manufacture, and on delivery of a medical certificate.

**567.** All obligations contracted under any form, or in any manner whatsoever, for liquor obtained in contravention of the provisions of this section, are held to have been contracted without any consideration, and are null and void, except in so far as a subsequent purchaser for value received and in good faith is concerned.

Any payment made, on such consideration, either in money, work, or any other articles whatsoever, is also held to have been made without consideration, and to be null and of no effect, and the amount or value of such payment may be recovered from the receiver by the party who made the same, before any court of competent jurisdiction.

## § II.

### *Limitation of the Number of Licenses for the Sale of Intoxicating Liquors.*

**568.** To limit and determine the number of licenses which the collector of inland revenue for the district may

issue, for the sale of intoxicating liquors in taverns, inns, and other places of public entertainment, or in stores and shops.

**569.** The articles 562, 565 and 567, apply also to by-laws made in conformity with article 568.

**570.** If the council has passed a prohibitory by-law in virtue of article 561, the by-laws which have been made by the same council in virtue of article 568, are suspended during the whole time such by-law continues in force.

### § III.

#### *Miscellaneous Provisions.*

**571.** The by-laws made by the council of a rural municipality in virtue of the provisions of this section are not subject to appeal to the county council.

**572.** All municipal by-laws and all provisions in any municipal by-law relating to the sale of intoxicating liquors, in force at the time when this code comes into effect, other than those which may have been made in virtue of of articles 561 and 568, are repealed, dating from the first day of May following the coming into force of this code.

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## SECTION VI.

### *Storage of Gunpowder or other explosive substances.*

**573.** To limit the quantity, not exceeding twenty-five pounds, of gunpowder or of any other explosive substance to be kept in any place other than a powder magazine; and to regulate the manner in which such gunpowder or to other explosive substance must be stored.

**574.** To authorize the construction of buildings in which any quantity greater than twenty-five pounds of gunpowder or other explosive substance must be kept at one time, and also the walls or fences by which such buildings are to be surrounded at a fixed height and distance.

To prescribe the precautions which must be taken by any person whatever entering such buildings or conveying gunpowder or other explosive substance to or from the same, within the limits of the municipality.

**575.** To restrict the storage of gunpowder, or any other explosive substance, in quantities of twenty-five pounds or more, to certain limits within the municipality.

**576.** To provide that any gunpowder or other explosive substance which is kept in a less quantity than twenty-five pounds, be placed in tin, lead or copper boxes.

**577.** To cause to be removed or confiscated any gunpowder or explosive substance, kept or conveyed contrary to municipal by-laws.

**578.** The municipal by-laws respecting the storage and conveyance of gunpowder do not apply to Her Majesty's magazines or ammunition.

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## SECTION VII.

### *Sale of Bread and Wood.*

**579.** To fix the weight and quality of the bread sold or offered for sale in the municipality; and prescribe the marks which it should bear.

**580.** To regulate the measuring of cord wood, bark, lumber and shingles, offered for sale in the municipality.

**581.** To authorize the confiscation, for the benefit of the corporation or of the poor of the municipality, of every article offered for sale or sold or delivered, in contravention to the by-laws made in virtue of the provisions of this section.

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## SECTION VIII.

### *Trade Licenses.*

**582.** To compel each of the following persons to take out a license from the corporation, for the exercise in the municipality of his trade, occupation, or calling in the municipality, and to prevent each of them from carrying on such trade, occupation or calling without such license:

1. Every travelling trader selling goods by auction and every pedler;

2. Every broker or banker and every wholesale or retail trader, merchant or dealer, except persons who only sell intoxicating liquors;

3. Every carter or common carrier.

No such license can be given for a longer period than twelve months. The price fixed for granting any such license in virtue of this article must be proportioned to the extent of the business, trade or occupation of each person bound to take a license, and fixed at the discretion of the council, but such price must not exceed twenty dollars in the cases set forth, in paragraphs one and two, and twelve dollars in those of paragraph three.

**583.** Every carter or common carrier licensed as such in the local municipality in which he is domiciled, may

convey any articles taken from such municipality, or any persons going therefrom, into any other municipality erected in virtue of any law whatsoever, without paying to such other municipality any municipal license or taxes by reason of such conveyance.

He may also without being bound to take out any other license or to pay any other tax, convey within the local municipality wherein he is licensed, goods or persons coming from any other municipality erected under any law whatsoever.

In the absence of any by-law under the preceding article, respecting carters or common carriers, the council may grant to any carter or common carrier, domiciled within the local municipality, a permit which secures to him the rights conferred by the two preceding provisions.

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## SECTION IX.

### *Personal Taxes.*

**584.** To levy annually the taxes hereinafter mentioned upon the following persons :

1. Upon every tenant who pays rent, a sum not exceeding three cents in the dollar upon the amount of his rent ;

2. Upon every male person of twenty-one years of age, residing in the municipality and not otherwise taxed in virtue of this code, a sum not exceeding one dollar.

**585.** The valutors in office of the municipality are bound to make, each year, upon order of the council, in the manner and at the time it prescribes, a return of all the persons taxed by the council in virtue of the preceding article.

Upon the refusal or neglect of the valutors to make such return in the manner and at the time prescribed, the council may have it made by one or more persons whom it appoints for that purpose.

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## SECTION X.

### *Indemnities and Relief.*

**586** To indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters, within the limits of the municipality.

**587.** To contribute to the maintenance or support of poor persons residing in the municipality who, from infirmity, old age, or other causes, are unable to earn their own livelihood.

**588.** To relieve any person who has received any wound or contracted any sickness or disease at a fire.

**589.** To grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavours to save any one from drowning or from other serious accident.

**590.** To provide for the wants of the family of any person who loses his life at a fire, or while saving or endeavouring to save any one from a serious accident.

**591.** To establish and maintain poor-houses, houses of refuge, or other establishments for the refuge and relief of the poor and destitute ; to give domiciliary relief to the poor residing within the limits of the municipality ; and to aid charitable institutions established in the municipality or its neighborhood.

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## SECTION XI.

### *Public Nuisances.*

**592.** To compel the proprietors or occupants of houses to clean their stables, cattle-sheds, pigsties, outhouses, privies, and the yards connected with such buildings, at such times and in such manner as the council deems expedient.

**593.** To prevent the making deposits of substances or matters from whence issue noxious gases or odors, such as coal oil, superphosphate of lime in course of preparation, the contents of privies and the like ; and to regulate the mode of making such deposits.

**594.** To prevent any person from letting off fire-works or fire-crackers, discharging fire-arms, lighting fire in the open air, in the streets or roads, or in the neighborhood of a building, grove or fence.

**595.** To order dogs to be kept muzzled or tied up ; to prevent them from being at large without their masters or others persons who take charge of them ; to impose a tax not exceeding two dollars on the owners of dogs kept in the municipality ; and to authorize any municipal officer or other person to destroy by poison or otherwise, all dogs found at large contrary to municipal regulation.

**596.** To regulate the manner in which public or private slaughter-houses must be built and kept in repair.

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## SECTION XII.

*Decency and Good Morals.*

**597.** To prevent the desecration of all burial grounds, tombs, graves, monuments, or vaults in which the dead are buried.

**598.** To suppress every kind of gambling and the existence of gambling houses, or houses of ill-fame.

**599.** To prohibit circuses, theatres or other public exhibitions from being held; to regulate and permit them to be held upon such conditions as may be deemed fit, and subject them to a duty or tax which must not exceed fifty dollars for each performance.

Every tax imposed by a by-law made in virtue of this article, if it is not paid on demand, may be levied upon all movables and effects, even upon those which are ordinarily exempt from seizure, found in the possession of any of the persons connected with such circus, theatre or exhibition, under a writ of seizure, signed by the mayor or by a justice of the peace, and executory forthwith, without other preliminary formality.

**600.** To cause the bars of inns, taverns, and of other places of public entertainment, to be closed from seven o'clock in the evening on Saturday, until the following Monday, at four o'clock in the morning.

**601.** To prevent, on Sunday and holidays of obligation, horse races and all other horse exercises upon any race course or place whatever.

**602.** To prevent cock fights, dog fights and every other cruel amusement; and punish whoever takes part in or is present at them.

**603.** To prevent profane oaths, and blasphemous and obscene language from being used on roads, squares, or in their vicinity.

**604.** To prevent the posting up, or the making or writing of indecent placards, paintings, drawings, words or inscriptions, upon houses, walls or fences, and on roads or squares.

**605.** To prevent persons from bathing or washing themselves in public waters, or in the open air, close to the public roads or squares, or to regulate the manner in which bathing in such places may be performed.

**606.** To prevent all persons, even those having licenses, from selling or giving intoxicating liquors to any child, apprentice or servant, without the consent of the father, mother, master or legal guardian thereof.

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## SECTION XIII.

*Public Health.*

**607.** To establish boards of health and appoint the members thereof.

**608.** To take proper measures for securing the inhabitants of the municipality from contagious or pestilential diseases, or for diminishing the danger resulting therefrom.

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## SECTION XIV.

*Miscellaneous Provisions.*

**609.** To erect in the municipality, if there is no district gaol in such municipality, a lock-up house for the incarceration of persons sentenced to a term of imprisonment not exceeding thirty days, in virtue of the provisions of this code or of the municipal by-laws.

**610.** To encourage, establish and maintain fire companies or firemen for the protection of property.

**611.** To limit the number of general or ordinary sessions of the council, to not less than four in the year.

**612.** To oblige the proprietors and occupants of lands to fence the same along municipal or other roads.

**613.** To enclose at the cost of the corporation, any land recognized as a public cemetery.

**614.** To establish and maintain public drinking fountains in the municipality.

**615.** To impose a duty, not exceeding twenty-five dollars, on certificates approved by the council, to obtain a license for keeping any inn, tavern, temperance hotel, or other house or place of public entertainment.

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## CHAPTER FIFTH.

BY-LAWS SPECIALLY WITHIN THE JURISDICTION OF TOWN  
OR VILLAGE COUNCILS.

**616.** Every town or village council may further make, amend and repeal by-laws for any of the objects mentioned in this chapter :—

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## SECTION I.

*Division of the Municipality into Wards.*

**617.** To divide the municipality into as many wards as is deemed expedient for the purposes of representation in the council ; to determine the limits of each ward ; and to fix the number of councillors that the municipal electors of each ward may appoint to represent them in the council, so that the councillors of the municipality shall number seven in all, and in such manner that the term of office of each of such councillors shall be three years, save in so far as regards the term of office of the councillors elected at the first general election after the coming into force of the by-law, or appointed by the lieutenant-governor in the absence of an election.

**618.** The by-laws made in virtue of the preceding article must determine the manner in which councillors elected at the first general election, or appointed by the lieutenant-governor in the absence of an election shall go out of office, so that as many councillors for each ward shall be elected or appointed as go out of office.

**619.** At the time of the general municipal election which follows the coming into force of any by-law made under article 617, dividing or re-dividing any municipality into wards, the councillors then in office retire therefrom, and seven councillors, within the whole municipality must be elected, or appointed by the lieutenant-governor in the absence of an election.

**620.** In every municipality divided into wards for the purposes of municipal representation, the meeting of the municipal electors of each ward is convened to be held in each of such wards, at the place named in the public notice.

**621.** If more persons are proposed for election in a ward than there are councillors to be elected, the presiding officer must proceed to hold a poll for such ward, at the place of meeting itself, in the usual manner.

**622.** Municipal electors can only vote in the ward in which they are duly qualified electors.

If they are duly qualified as municipal electors in several wards, they may vote in each ward in which they possess such qualification.

**623.** The council must appoint, to preside at the meeting and in the holding of the polls in the various wards as many poll clerks as there are wards in the municipality.



## SECTION II.

*Masters and Servants.*

**624.** To regulate the conduct of apprentices, servants, hired persons, day-laborers or journeymen, whether they be of age or minors, towards their masters or mistresses, and the conduct of masters and mistresses towards the former.

In default of by-laws made under this article, regulating the conduct of apprentices, servants, hired persons, day-laborers, or journeymen, whether of age or minors, towards their masters or mistresses, and that of masters or mistresses towards the former, in any village or town municipality, the provisions of the law respecting masters and servants in force in rural municipalities, are applicable within such village or town municipality.

## SECTION III.

*Public Markets.*

**625.** To establish, change, abolish or keep in order public markets or places in which public markets are held; and to regulate the lease of stalls or stands therein, for the sale, or offering for sale of every description of goods, merchandize, or wares or of any specific commodity.

**626.** To determine and define the duties and powers of all officers employed on the public markets within the whole extent of the municipality.

**627.** To prevent any person not resident in the municipality from selling or exposing for sale in the municipality, provisions, grain, wares or other merchandize, elsewhere than upon the markets of the corporation.

**628.** To prevent any person, residing in the municipality, from cutting up or weighing any meat, whether beef, mutton, lamb, veal, pork or salt beef, for the sale thereof, or from exposing the same for sale, on any such markets, elsewhere than in a butcher's stall or in a stall for the sale of salt provisions, provided that nothing contained in this article shall be deemed to prohibit the sale on such markets, by farmers or sportsmen, of any kind of meat and venison not cut up, or in quarters only.

**629.** To prevent or to allow the sale, by residents or non-residents in the municipality, of any kind of fresh or unsalted fish, in such manner and at such places as may be fixed upon, the whole without prejudice to any thing contained in the laws relating to fishing and hunting.

**630.** To regulate the conduct of any person selling or exposing for sale, purchasing or seeking to purchase upon such markets.

**631.** To impose duties on all persons selling on the roads or on the markets or market places of the corporation, any provisions, vegetables, butchers' meats, poultry, grain, hay, straw, firewood, shingles and other articles.

**632.** To impose duties upon wagons, carts, sleighs, boats, canoes and vehicles of all descriptions, in which articles are exposed for sale upon the markets, on the public roads or ways, or upon a beach.

**633.** To regulate the manner in which such wagons, carts, sleighs, boats, canoes and vehicles shall be placed in the markets or market places, or on the roads.

**634.** To restrict and make regulations affecting hucksters or persons who purchase for the purpose of retailing articles brought into the municipality.

**635.** To determine whether articles brought into the municipality to which no provision of the law applies, must be sold by weight or measure.

**636.** To authorize the confiscation, for the benefit of the corporation, or the poor of the municipality, of all goods, wares, or articles bought or sold or delivered in contravention to the by-laws made in virtue of the provisions of this section.

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#### SECTION IV.

##### *Water and Lights.*

**637.** To provide for the establishment, protection and management of aqueducts, public wells or reservoirs, and for the payment of compensation for the use of the water therefrom; and to prevent the same from being fouled or wasted.

**638.** To provide for the lighting of the municipality, in any manner deemed suitable.

**639.** To compel the owners or occupants of lands situated as well in the municipality as in a neighboring municipality, to permit and allow all works undertaken for the purpose of providing the inhabitants of the municipality with water or light to be carried on, saving recourse for any indemnity determined by the valuers of the municipality, wherein such land is situated in conformity with the rules prescribed in articles 902 and following of the title of expropriation.

**640.** To take stock in any incorporated company for supplying light or water to the inhabitants of the municipality; or to lend money to such company.

Any by-law made in virtue of this article is subject to the application of article 482.

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SECTION V.

*Public Nuisances.*

**641.** To cause the removal of any door-steps, stairs, porches, railings, balconies, buildings or other erections which project beyond the line of the public road, or obstruct public communication, at the expense of the owners or occupants.

**642.** To cause to be pulled down and removed all walls, chimneys or buildings in a state of dilapidation or decay, or threatening to fall down; and to fix at what time, by what means, and at whose expense the same shall be so pulled down or removed.

**643.** To prevent the throwing into any public road or way, lane or passage, any sweepings, filth, dirty water, or other ordure; and order the removal thereof at the expense of the corporation or of those who caused such nuisances.

**644.** To compel the owner or occupant of a piece of land bordering upon a road or square, to remove the snow, ice or filth from the sidewalk or road fronting such land, even in cases where the road work is at the costs and charges of the corporation; to remove the snow and ice from the roofs of houses or other buildings erected on the public roads; and order the road inspector to cause such nuisances to be removed, at the expense of the owner or occupant who refuses or neglects so to do.

**645.** To obviate and prevent the obstruction of the side-walks, roads and squares.

**646.** To regulate the construction of privies and cellars, and the manner in which they are drained.

**647.** To prevent the erection of wooden buildings or fences within the municipality, or in any specified part of it.

**648.** To prevent the erection in the municipality, of manufactories or machinery propelled by steam; to permit them upon certain conditions, or to determine the places in the municipality where they may be erected.

**649.** To prevent or regulate the construction of slaughter-houses, gas-works, tanneries, candle or soap factories, distilleries and other manufactories which may become public nuisances; and to cause the removal of slaughter-houses then existing in the municipalities.

**650.** To prevent any person from carrying, depositing or leaving in the municipality, or in the waters which border upon it, dead bodies or other deleterious substances

**651.** To oblige the owners or occupants of all groceries, cellars, manufactories, tanneries, drains or other unhealthy and unwholesome places, to keep them clean and render them wholesome.

**652.** To compel all owners or occupants of lands on which there are stagnant waters, to drain or fill them up; and, in case of neglect or refusal on the part of such persons, to authorize the officers of the corporation to undertake such work at their expense.

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## SECTION VI.

### *Miscellaneous Provisions.*

**653.** To prescribe the mode of placing stoves, grates and stove pipes, and making chimneys, furnaces and ovens of every description; and to regulate their use.

**654.** To oblige owners or occupants of houses or other buildings to provide themselves with a fixed number of fire buckets, or with any other apparatus suitable for preventing accidents by fire; and to have ladders from the ground to the roofs of their houses, and thence to the top of the roof.

**655.** To prevent any person from entering any cattle shed, stable, pig-sty, barn or out-house with a light not enclosed in a lantern, or with a lighted cigar or pipe, or from carrying into the same any fire without proper precaution.

**656.** To prevent any person from lighting or having any fire in any out-house, pig-sty, barn, shed or other building, unless such fire be placed in a chimney or in a metal stove.

**657.** To prevent any person from carrying fire in or through any public road or way, or through any garden, yard or field, unless such fire be contained in a metal vessel.

**658.** To compel proprietors or occupants of barns, hay-lofts or other buildings containing combustible or inflammable materials, to keep the doors thereof closed.

**659.** To compel the owners or occupants of houses to have their chimneys swept; to determine the mode in which such sweeping must be done, and the number of times such chimneys must be swept within a given period; and to appoint the chimney-sweeps to be employed.

**660.** To prevent the sale of gunpowder or other explosive substance after sunset.

**661.** To prevent or regulate the construction of furnaces for making charcoal.

**662.** To determine the manner in which ashes or quicklime must be kept or stored.

**663.** To provide for the purchase of engines, apparatus or articles suitable for the prevention of accidents by fire, and for arresting the progress of fires.

**664.** To prevent thefts and depredations at fires.

**665.** To authorize certain persons to blow up, destroy and pull down as many buildings as may be deemed necessary to arrest the progress of a fire, saving recourse for any damages and indemnities payable by the corporation to the owners of such buildings.

In the absence of any by-law made in virtue of this article, the mayor may, in the course of a fire, exercise this power by giving a special authorization.

The corporation can always, even in the absence of any by-laws or special authorization by the mayor to that effect, award and pay an indemnity to any person who has suffered loss and damage by the demolition of his buildings during a fire.

**666.** To regulate the conduct of every person present at a fire.

**667.** To determine the level and height of the sidewalks, safety and division walls upon the public road or way whenever the council deems it expedient for the convenience, safety and benefit of the inhabitants of the municipality.

**668.** To maintain, arm, lodge and clothe a police force in the municipality; and to fix the duties of the members of such force.

**669.** To cause the houses and lots situated on the roads in the municipality to be numbered.

**670.** To have the streets and sidewalks swept, watered and kept in good order; and to have the snow removed therefrom at the expense of the corporation.

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## CHAPTER SIXTH.

### FORMALITIES TO BE OBSERVED BEFORE MUNICIPAL BY-LAWS ARE CARRIED INTO EFFECT OR PUT INTO FORCE.

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#### SECTION I.

##### *Approval by Municipal Electors.*

**671.** Whenever it is prescribed that a by-law must be approved of by the municipal electors before coming into force and effect, the council, who has passed such by-law,

orders, by resolution, that a public meeting of the electors of the municipality be held for the purpose of approving or disapproving such by-law, and that a poll be held for such object.

**672.** If the by-law has been passed by the county council it is submitted for the approval of the municipal electors of the county, in each local municipality of the county; and the meeting is convened by the warden, for the same day at ten o'clock in the forenoon, in each of such local municipalities.

**673.** The day for which the meeting of municipal electors is convened, must not be less than twenty days or more than thirty days after the passing of the by-law by the council.

**674.** The meeting of the municipal electors is held at the place where the local council holds its sitting.

**675.** A certified copy of the by-law submitted for the approval of the municipal electors must be posted up, at least fifteen days before the holding of the meeting, in the places where the municipal by-laws are ordinarily published, and it must be inserted twice at full length in one or more newspapers before such meeting.

**676.** A certificate of the secretary-treasurer certifying that the copy of the by-law published is a true copy of the by-law passed by the council, and also the notice convening the municipal electors, must be posted up and published at the same time and in the same manner as the copy of the by-law.

**677.** The meeting of the electors is presided over, in each local municipality, by the mayor, or in his absence by a person chosen by the meeting.

**678.** The secretary-treasurer of the local council is bound to be present at such meeting, with the original or a certified copy of the valuation roll in force; and he acts at such meeting as poll clerk.

**679.** The person presiding at the meeting has no right to vote thereat.

**680.** Articles 300, 301, 306, 315, 316, 317, 318, 319, 322, 323 and 324 apply also, *mutatis mutandis*, to a meeting convened for the approval or disapproval of a municipal by-law, to the person who presides at such meeting or to the poll which is held thereat.

**681.** Every municipal elector, except in the case of article 497, is qualified to vote for or against the by-law submitted. The electors give their vote "yea" or "nay"; the word "yea" meaning that they approve of the by-law, and the word "nay" that they disapprove of it.

The poll books are kept in the same manner as those used at an election of municipal councillors, except in so far as the contrary is prescribed in this section.

**682.** At the close of the poll, the presiding officer counts the "yeas" and "nays," and ascertains and certifies according to the poll book, the number of votes given for or against the by-law in the municipality. The certificate must also be signed by the poll clerk.

**683.** The poll books and the certificate are deposited in the office of the council which passed the by-law, by the presiding officer at the meeting, within forty-eight hours after the close of the poll.

**684.** If the by-law has been passed by the county council, the warden, so soon as the poll books and certificate have been deposited at the office of the council, ascertains by each certificate the total number of votes given for or against the by-law.

**685.** In the case of an equal division of votes, the head of the council which has passed the by-law, gives his vote.

**686.** The approval or disapproval of the municipal electors, as the case may be, must be established without delay by a certificate signed by the head and by the secretary-treasurer of the council which passed the by-law. Such certificate is submitted to the council at one of its next sessions.

If the council desires to examine the poll books, they must be laid before it at once.

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## SECTION II.

### *Approval of the Lieutenant-Governor in Council.*

**687.** Whenever it is prescribed that a municipal by-law must be approved of by the lieutenant-governor in council, before having force and effect, the secretary-treasurer of the council after the passing of such by-law, or after it has been approved of by the municipal electors if it has been necessary to submit it to them, forwards an authentic copy of the by-law to the provincial secretary, together with a certified copy of all documents calculated to convey information to the lieutenant-governor upon the fulfilment of the provisions of the law, and the utility of the passing of such by-law.

**688.** The lieutenant-governor may exact from the council which has passed such by-law, all the documents and information he deems necessary for assuring himself of the utility of the by-law or of any of its provisions.

**689.** The lieutenant-governor in council must not approve of a municipal by-law until after proof has been made to his satisfaction that the formalities required for the passing of such by-law have been observed.

**690.** A by-law which, before having force and effect, must be submitted to the municipal electors, and to the lieutenant-governor in council for approval, must, in the first instance be submitted to the municipal electors, and afterwards to the lieutenant-governor in council, if it has been approved by them.

### SECTION III.

#### *Promulgation of Municipal By-Laws.*

**691.** Municipal by-laws are promulgated on the day of their publication in virtue of the following article.

**692.** Municipal by-laws are published within fifteen days after the passing thereof, or of their final approval in cases where they may have been submitted for approval to the municipal electors or to the lieutenant-governor in council, by a public notice mentioning the object of the by-law, and the date of the passing thereof.

Such notice is given under the hand of the secretary-treasurer, and is published in the ordinary manner.

If the by-law is approved of by the municipal electors, or by the lieutenant-governor in council, or by any other council, when such approval is required, the notice of publication must also mention that each of these formalities has been observed, and the dates upon which they were complied with.

**693.** Every municipal by-law must be read, at any place determined on by the local council, under article 234, if such place has been fixed, on two Sundays within thirty days following the day on which it was published in virtue of the preceding article, after divine service, if divine service has been performed.

If it is a by-law of a county council, and if the notice of publication has been addressed, under article 235, to the secretary-treasurer of any local municipality, such officer must provide for the by-law being read in the manner required by the preceding provision.

The neglect to read such by-law, in conformity with this article does not prevent such by-law from coming into force, but it renders the person whose duty it is to read the same liable to a penalty of not less than ten nor more than twenty dollars.

**694.** Any council may moreover publish its by-laws in one or more newspapers.

**695.** Any by-law, passed by a council of a rural municipality and amended or confirmed in appeal by the county council, must be published by the secretary-treasurer o



the local council, within the fifteen days after the transmission, in virtue of article 934, of the decision of the county council, or of the certificate of the secretary-treasurer if that council gave no decision, even though such by-law may have been published before the appeal to the county council.

**696.** A municipal by-law may always be published after the delay prescribed by articles 692 and 695, but only by order of the council.

**697.** The promulgation of every municipal by-law is considered to have been sufficiently made, until the contrary is alleged, at the expiration of the delay prescribed for the publication of such by-law.

## CHAPTER SEVENTH.

### ANNULMENT OF MUNICIPAL BY-LAWS.

**698.** Any municipal elector in his own name, may, by a petition presented to the magistrate's court or to the circuit court of the county or district, demand and obtain, on the ground of illegality, the annulment of any municipal by-law, with costs against the corporation.

**699.** The annulment of part only of a by-law may be demanded and obtained in the same way.

**700.** The petition must set forth in a clear and precise manner, the reasons alleged in support of the demand, and must be accompanied by a certified copy of the by-law impugned, if such copy could be obtained.

If such copy could not be obtained, the court, upon application being made to it to that effect, orders the secretary-treasurer of the council, or any other person in whose custody such by-law may be, to produce such copy; and such person, in the same manner as the secretary-treasurer, is for this purpose deemed to be an officer of the court which gives such order.

**701.** Such petition must be served at the office of the council which passed the by-law, eight days at least, before it is presented to the court.

**702.** The rules prescribed by articles 352, 353, 354, 355, 356, 358 and 360 apply also *mutatis mutandis* to the petition presented in virtue of the provisions of this chapter.

**703.** The court may, by its judgment, annul such by-law, in whole or in part, order the service of such judgment at the office of the council interested, and cause the same to be published either in the manner prescribed for the publication of orders of the council, or in one or more newspapers.

**704.** Any by-law or part of a by-law so annulled, ceases to be in force from the date of the judgment.

**705.** Nevertheless every tax, contribution, penalty or obligation imposed by any by-law subject to be annulled, and payable before such by-law was set aside, is exigible notwithstanding the setting aside of such by-law, if the petition on which such by-law was set aside was not presented to the court within three months from the time such by-law came into force.

Every loan contracted and every debenture issued, in virtue of a by-law liable to be set aside, is valid, and the taxes imposed to pay such loan or such debenture, are due and exigible if the petition praying that such by-law be set aside was presented to the court after the three months which follow the coming into force of such by-law.

**706.** The corporation, the council whereof passed the by-law so annulled, is alone responsible for the damages and rights of action proceeding from the putting into force of such by-law or of such part of a by-law.

**707.** Such responsibility is incurred nevertheless only in the case where the petition for annulment has been served at the office of the council within three months after the by-law has come into force.

**708.** The right of demanding the annulment of any by-law, is prescribed by three months from the date of the coming into force of such by-law.

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## TITLE SECOND.

### VALUATION OF TAXABLE PROPERTY.

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#### CHAPTER FIRST.

##### WHAT PROPERTY IS TAXABLE.

**709.** All lands or real estate situated in a local municipality, except those mentioned in article 712 are taxable property.

**710.** The following property is taxable in every local municipality, in which it is possessed:

1. The yearly salary or income derived from the office of every judge or other civil servant appointed by the federal or provincial government;

2. The annual professional income of every advocate, notary, pilot, physician, surgeon, dentist, civil engineer or provincial land-surveyor;

3. The annual salary of all other persons engaged in another's service, and whose salary exceeds four hundred dollars per annum.

**711.** If a rate-payer, who possesses property declared to be taxable under the preceding article, has his domicile in one local municipality, and his place of business from which is derived such taxable property, in another, such property is only taxable in the local municipality in which is situated his place of business.

**712.** The following property is not taxable:

1. Property belonging to Her Majesty, or held in trust for her use, and property owned or occupied by municipal corporations;

2. Property owned by or occupied for the use of the federal or the provincial government;

3. Property belonging to *Fabriques*, or to religious, charitable, or educational institutions or corporations, or occupied by such *Fabriques*, institutions or corporations for the ends for which they were established, and not possessed solely by them to derive a revenue therefrom;

4. Burial-grounds, bishops' palaces, parsonage houses, and their dependencies;

5. All property belonging to iron or wooden railway companies receiving a grant from the provincial government, for the whole time during which such grant is accorded.

**713.** The occupants of property mentioned in paragraphs 3, 4 and 5 of the preceding article, are nevertheless liable for works of repair upon the front roads situated opposite such property in the local municipalities wherein such roads are not at the costs and charges of the corporation.

They are also liable for work on water-courses, clearances, boundary ditches and fences belonging to such lands.

**714.** Crown lands occupied whether under or without location tickets are deemed to be taxable property; but the municipal taxes for which they are liable cannot, in any case, be recovered from the crown.

**715.** The registrar of the province must forward, before the month of June in each year during which the valuation roll has to be made under the authority of this code, to the office of the council of each local municipality entitled thereto, a return of the lands granted by the crown in such municipality during the three preceding years, with the names, surnames, qualities and domicile of the persons who have acquired them.

## CHAPTER SECOND.

## MAKING OF THE VALUATION ROLL.

**716.** In the months of June and July next after the coming into force of this code, and thereafter triennially in the same months the valutors of every local municipality, must draw up, either by themselves or by any other person employed by them, a valuation roll in which are set forth with care and exactitude all the particulars required by the provisions of this title.

**717.** In every local municipality where there is no valuation roll or in which the valuation roll in force has been annulled, the valutors are bound to make one, upon an order of the council within the delay determined by the latter, even if it should not be the year during which valuation rolls are made in virtue of the preceding article.

The valuation roll so made is subject to the examination of the county council and remains in force until the month of July of the year in which valuation rolls are made in virtue of the preceding article, and subsequently until the coming into force of the new valuation roll.

**718.** The valuation roll must include all taxable property in the municipality, and must specify in so many distinct columns and in the following order:

1. The consecutive numbers on the roll ;
2. The names and surnames of the owners of taxable property if they are known ;
3. The quality and age of such owners ;
4. By whom it is occupied ;
5. The qualities and age of the occupants when they are not the owners ;
6. The description of the taxable real estate ;
7. The actual value of such real estate ;
8. The annual value thereof ;
9. The nature of the property declared taxable by article 710 ;
10. The value of such property ;
11. The total value of the taxable property of each person including, if necessary, the actual value of the real estate and the value as mentioned in the foregoing paragraph ;
12. All other information required by the council.

**719.** The actual value of the taxable real estate includes the value of all buildings, factories or machine shops erected thereon and of any improvements which have been made thereto, save in so far as is set forth in the two following articles.

**720.** Every iron railway company or wooden railway company, other than those mentioned in the fifth paragraph

of article 712 and possessing real estate in a local municipality, must transmit to the office of the council of such municipality in the month of May in each year, a return showing the actual value of their real estate in the municipality other than the road, and also the actual value of the land occupied by the road estimated according to the average value of land in the locality.

Such return must be communicated to the valuers by the secretary-treasurer in due time.

**721.** The valuers in making the valuation of the taxable property in the municipality must value the real estate of such company, according to the value specified in the return given by the company.

**722.** If such return has not been transmitted in the time prescribed, the valuation of all the immovable property belonging to the company is made in the same manner as that of any other rate-payer.

**723.** If the owner of land is unknown, the valuers insert the word "unknown" in the column of names of owners, opposite the description of such land.

**724.** The lieutenant-governor may, by instructions given to any local council, require the insertion in the valuation roll, of all details and information he may desire respecting the census and statistics of the inhabitants of the municipality and of their movable and immovable property; and the valuers are bound to obtain such details and information by every means in their power, and to insert them with accuracy in the valuation roll prepared by them.

**725.** The valuation roll must be signed by at least two of the valuers who drew it up or caused it to be drawn up, and by the secretary-treasurer or any other person whom they employed as clerk, and it must be attested by all such persons on oath, taken before a justice of the peace in the following form:

We (*names of valuers and of the clerk or secretary-treasurer*) swear and solemnly affirm, each and every one of us, that to the best of our knowledge and belief, the foregoing valuation roll is correct, and that nothing has been unduly or fraudulently omitted or inserted in it: So help us God.

**726.** The valuers must deposit the valuation roll made by them, within the delay fixed for making such roll, in the office of the council. Such deposit cannot be made after the prescribed delay has expired.

**727.** If at the expiration of the time prescribed, the valuers have not made and deposited the valuation roll in the office of the council, the mayor or the secretary-treasurer must, without delay, inform the lieutenant-governor of the fact, by letter addressed to the provincial secretary.

Any rate-payer may, in the same manner, give such information to the lieutenant-governor.

**728.** The lieutenant-governor, as soon as such negligence or refusal of the valuator has been made known to him, appoints three valutors whom he orders to make a valuation and deposit the same at the office of the council within a delay fixed by him.

If such delay be not fixed, these valutors must make and deposit the valuation roll within the thirty days following the notice of their appointment.

**729.** The valutors appointed by the lieutenant-governor in virtue of the preceding article, only act in relation to the valuation roll which the valutors in office omitted to make.

Such valutors are municipal officers; and in the exercise of their duties they are invested with the same rights and powers, subject to the same obligations and liable to the same penalties for refusal, negligence, default or omission as the valutors appointed by the council.

**730.** Each of the valutors appointed in virtue of article 728, is entitled to an allowance of two dollars for each day he is employed in valuing taxable property, and in drawing up the valuation roll. The amount of such fees is determined and taxed by certificate of the mayor and is recoverable in the manner prescribed for penalties imposed by the provisions of this code, by the valuator entitled thereto, from the valutors in default, who are jointly and severally liable for the amount of the same with costs.

**731.** The lieutenant-governor may, if the valutors appointed by him, in virtue of article 728, refuse or neglect to make and deposit the valuation roll within the prescribed delay, replace them by new valutors, and so on until the valuation roll be made and deposited in conformity with the provision of this title.

**732.** So soon as the valutors have deposited the valuation roll in the office of the council the secretary-treasurer must give public notice thereof.

**733.** The three valutors must act together in making the valuation roll.

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## CHAPTER THIRD.

### EXAMINATION OF THE VALUATION ROLL.

**734.** The local council must within thirty days next after the notice given in virtue of article 732, examine and amend the valuation roll deposited by the valutors,

even though no petition or complaint has been made in reference thereto, by fixing at such sum as it thinks reasonable, any valuation of taxable property which it judges to have been made under or above its true, real or annual value, or by correcting the names of persons entered therein or the description of the lands mentioned therein, or by inserting therein whatever the valuers have omitted to insert.

**735.** Every person who considers himself wronged by the valuation roll, prepared by the valuers, may demand that the same be amended in such a manner as to cause that justice be done to him, either by producing an application in writing at the office of the local council upon or before the day fixed for the examination of the roll by the council, or by stating his complaint verbally before the council at such examination.

**736.** Before the local council proceeds to the examination and amendment of the valuation roll, it must, by public notice, inform the inhabitants of the municipality of the day and hour of the session at which the same is to be commenced.

**737.** The council at the time of the examination of the valuation roll, must take notice of all complaints lodged at its office or made verbally before it, and hear all parties interested, and the valuers present, and their witnesses.

**738.** Any amendment made to the valuation roll must be entered upon such roll, or on a paper annexed thereto, with the initials of the secretary-treasurer.

A declaration testifying to the accuracy of the amendments and determining the number thereof, together with the time at which they were made, must be entered on the roll or annexed thereto, under the signature of the president and the secretary-treasurer.

**739.** The mayor and the secretary-treasurer are bound to forward to the office of the county council, within ten days after the expiration of the thirty days mentioned in article 734, a certified copy of the valuation roll as it then stands.

**740.** Every county council must, during the month of September, in the year wherein the new valuation rolls are made in virtue of article 716, examine all the valuation rolls made in the local municipalities of the county, which have been forwarded to its office, ascertain whether the valuation made in each of them bears a just proportion to the valuation made in the others, and increase or decrease, if necessary, the amount of the valuation entered on the roll of each of such municipalities, by any rate per cent which it deems requisite to establish a just proportion between all the valuation rolls made in the county municipality.

Nevertheless, the county council cannot in any way

reduce the total amount of all the valuation rolls made in the county municipality, and forwarded to its office.

The valuation roll so amended serves only for county purposes.

**741.** When a copy of a new valuation roll is forwarded to the office of the county council, after the examination made in virtue of the preceding article, the county council must, within thirty days thereafter, take communication of the new roll, and, if necessary, proportion the amount of the valuation thereof to the amount set forth in the rolls of the other local municipalities of the county, in conformity with the rule laid down in the preceding article, without, however, diminishing or increasing the several amounts of the valuation rolls in force in the other municipalities.

**742.** Every valuation roll comes into force as amended, if it has been amended within the time prescribed, notwithstanding any appeal pending before the county council, in virtue of article 927, for local purposes from the expiration of the thirty days mentioned in article 734, and for county purposes from the expiration of the delay during which the county council could take communication thereof.

The default of the county council to comply with the provisions of articles 740 and 741, does not prevent the valuation rolls from coming into force for county purposes.

**743.** It remains in force until a new valuation roll, made in accordance with the provisions of this title, comes into effect; and during such time it serves as a basis for all taxes, rates, apportionments in money, labor or materials imposed in virtue of municipal by-laws, *procès-verbaux*, or acts of apportionment, as well as for any real property qualification, and for the payment of all municipal debts, except in special cases otherwise provided for by the provisions of this code.

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## CHAPTER FOURTH.

### GENERAL PROVISIONS.

**744.** Any valuator who neglects or refuses to discharge the duties imposed upon him by the provisions of this title or required of him in virtue of such provisions, incurs a penalty of ten dollars for each day on which he refuses or neglects to discharge the same, after having been notified so to do.

**745.** The owners or occupants of taxable real estate or of property declared taxable by article 710, are bound in so far as it lies in their power to give all the information



applied for by the valuator and to answer truly the questions put to them by the valuator relative to the value of their properties, and upon their refusal to give such information or to answer such questions truly, such owners or occupants incur a penalty of not less than five or more than eight dollars.

**746.** After every change of owner or occupant of any land set forth in the valuation roll in force, the local council, on a written petition to that end, and after sufficient proof, may erase the name of the former owner or occupant, and inscribe on such roll the name of the new one.

**747.** Whenever the valuation roll has been set aside under article 100, the former revives and avails until a new valuation roll comes into force.

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## TITLE THIRD.

### OF MUNICIPAL ROADS.

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## CHAPTER FIRST.

### *General Provisions.*

**748.** All roads which lead solely to the landing stations of iron or wooden railways, to ferries or to pay-bridges, and all public roads, except those mentioned in article 751, are under the control of municipal corporations, and are made and maintained in conformity with the provisions of this code.

**749.** Land or passages used as roads by the mere permission of the owner or occupant, are municipal roads, if they are fenced on either side or otherwise divided off from the remaining land, and are not habitually kept closed at their extremities, but the property in the land and the obligation to maintain such roads continue in all cases vested in the owner or occupant.

The council or the board of delegates who have the management of such roads may by resolution, order the owner or occupant, to close the same by means of fences or gates under a penalty of twenty dollars for each day he may neglect or refuse to execute such order.

**750.** If they are fenced on either side or otherwise divided off from the remaining land, and are not habitually kept closed at their extremities, they are municipal roads: but the property in the land and the obligation to maintain such roads continue vested in the owner or occupant.

The council or the board of delegates who have the management of such roads may order the owner or occupant, to close the same by means of fences or gates under a penalty of twenty dollars for each day he may neglect or refuse to execute such order.

**751.** Public roads under the control of the federal or provincial government, and turnpike roads governed under letters patent or special acts or under chapter seventy of the consolidated statutes for Lower Canada, do not fall under the control of municipal corporations.

**752.** The ground occupied by any municipal road belongs to the municipal corporation under whose control it is placed and cannot be in any manner alienated, so long as it is employed for such purpose.

This article does not apply to the ground of a road which leads solely to a ferry, or pay-bridge, and which is maintained at the expense of the proprietors of such ferry or pay-bridge.

**753.** Every part of the land of a discontinued road, returns by right to the land from which it had been detached, and is at the charge of the occupant of such land.

Nevertheless if one of the proprietors whose property borders upon the discontinued road, gives the ground or a part thereof required for the new road, property of the former road is vested in him proportionately to the extent of land given by him towards the new road.

**754.** Municipal roads are either local roads or county roads.

**755.** Until otherwise provided in virtue of articles 758 or 759:

1. Every municipal road or every part thereof, wholly situate in one local municipality, is a local road;

2. Every municipal road or every part thereof, lying between two local municipalities, is a county road; and if such road or part of a road lies between two local municipalities which form part of two county municipalities, it is the road of such two county municipalities.

**756.** Every municipal road known, at the time of the coming into force of this code, either as a local or a county road, continues to be so known and to be governed as such, until the contrary is provided under the authority of this code.

**757.** Municipal roads are under the control of the corporation of the municipalities to which they belong. If they are the roads of several county municipalities, they are, under joint control of the corporation of such county municipalities represented by the board of delegates.

**758.** The county council may by resolution or in a *procès-verbal* declare:

1. That any road under the control of a local corporation

of the county municipality, be for the future a county road ; or

, 2. That any county road under the exclusive control of the corporation of the county, be for the future a local road under the control of the corporation of the local municipality in which it is situate, or which it separates from any other municipality.

**759.** The board of delegates may also, by resolution or in a *procès-verbal* declare :

1. That any local road situate within the limits of the county municipalities whereof it represents the corporations, be for the future a county road under the joint control of such county corporations ; or

2. That any county road under the exclusive control of one of the county corporations which it represents, be for the future under the joint control of all such county corporations ; or

3. That any road under the joint control of the county corporations which it represents be for the future a county road under the exclusive control of one only of such county corporations, or a local road under the control of the corporation of the local municipality in which it lies or which it divides from another municipality.

**760.** From the date of any declaration made under either of the two preceding articles, the work to be performed on any road, with respect to which the resolution has been passed, is either at the sole charge of the rate-payers of the municipality or municipalities, whereof the corporations have the control of the road, and who are liable for such work by the *procès-verbaux* or by law, or at the sole charge of the corporation as the case may be.

**761.** The declaration mentioned in articles 758 and 759, cannot be made until after a public notice to that end has been given, and they must be published immediately after the passing thereof.

**762.** The powers conferred by articles 758 and 759, on the county council and the board of delegates, may be also exercised by them in regard of any road to be made, in the same manner as for roads already made.

**763.** All county or local municipal roads are either front roads or by-roads.

Front roads are those whose general course is across the lots in any range, and which do not lead from one range to another in front or in rear thereof.

All other municipal roads are by-roads.

**764.** A front road passing between two ranges is the front road of both ranges, unless such road be by resolution of the council, or of the board of delegates, under whose jurisdiction it is situate, declared to be the front road of one of such ranges.

**765.** The front road of a lot includes every portion of such road which crosses such lot throughout its breadth, or upon which such lot borders at one or other of its extremities.

Whenever a road is the front road of two ranges, the exact half of such road adjacent to each lot, is the front road of such lot.

Roads in village municipalities are front roads unless otherwise ordered by the council.

**766.** Any *procès-verbal*, or any by-law respecting municipal roads, may declare that any new road, or any road already designated or recognized as a by-road, be for the future a front road, or that any new road or any road already designated or recognized as a front road, be for the future a by-road.

Every declaration constituting any road whatsoever a front road must, at the same time, set forth the land of which such road is the front road.

**767.** Every village council owns the land acquired or reserved for streets and squares, and may, on opening up such streets, deviate from the plan, by giving the land marked out in such plan in compensation for that which has been in its place, the provisions of title eight of this book, to the contrary notwithstanding.

**768.** Every front road must be at least thirty-six feet, and every by-road at least twenty-six feet French measure, in width, between the fences on each side thereof.

**769.** These roads may be wider than this article prescribes, if it is so ordered by the acts which govern them.

Municipal roads, existing at the time of the coming into force of this code, may retain the breadth which they have at such time, although such breadth be less than that required by the law under which such roads were established.

**770.** Every front road which is declared to be a by-road or every by-road which is declared to be a front road, may retain its original width, if previous to such declaration it possessed the width required by law.

**771.** Every road must have, if it require it, on each side thereof, a ditch properly constructed and having sufficient width and fall to carry off the water of the road and of the adjoining lands, and as many small drains as are necessary, communicating from one ditch to the other.

**772.** If in order to convey the water from off any road, it is necessary to make any water-course upon the lands bordering upon such road, such water-course is regulated by a *procès-verbal* drawn up in accordance with the provisions of article 884, and is constructed and kept in repair, either by the persons liable for road work upon such road, or at their expense, or by the owners or occupants of the lands, the waters whereof pass off or should pass off by

such water-course, according as it is provided in the *procès-verbal*.

**773.** Ditches, small drains, and bridges of less than eight feet span, form part of the municipal roads on which they are situated.

Pits, precipices, deep waters and other dangerous places, which must be filled up or protected in such a manner as to prevent accidents, form also part of the roads on which they are situated.

**774.** The fences which separate any front road from any land are at the costs and charges of the owner or occupant of such land, when the same are necessary.

**775.** Upon any by-road which runs along the line of any land, one-half of the fence which separates such road from the land, forms part of the work to be done upon such by-road.

But if a by-road divides a piece of land into two portions, the owner of such piece of land is not obliged to put up more fences along such by-road than he was before the establishment thereof. The remainder of the fencing forms part of the work on the by-road.

The portions of the fences to be made on such by-roads, in default of provision therefor in any *proces-verbal* or by-law, as the case may be, are determined by the road inspector, in such a manner that the position of the neighboring proprietor be not more onerous than it was before the establishment of the road.

**776.** Every fence required on any municipal road must be well made, and kept in good order according to law.

**777.** Fords form part of the municipal roads with which they are connected. If a ford unites two different roads, one half of the ford forms part of the road to which it is adjacent.

They must be marked out with guide poles, and kept at all times free from loose stones and other impediments; and the bottom thereof must be kept as smooth and even as practicable.

**778.** Noxious weeds, such as daisies, thistles, wild endive, chicory, celadine and plants considered as such, which grow upon municipal roads, must be cut down and destroyed between the twentieth day of June and the first day of August in each year, by the persons who are bound to keep the roads upon which they are found, in repair.

**779.** The work, ordered by the law, and by *procès-verbal* or by-law as the case may be, necessary for constructing, improving and keeping in repair any municipal road, is performed:

1. Either by the persons who are liable therefor, under the *procès-verbaux* or the by-laws which regulate such road, or in default of *procès-verbaux*, or by-laws under the provisions of the law;

2. Or, by the corporation of the local municipality, if a by-law has been passed in virtue of article 535, or in any other case in which it is laid down in the by-law which orders such work, and that the same must be performed by the corporation.

**780.** Crown lands are not subject to contribute work upon municipal roads; and the front roads of such lands are made and maintained as by-roads.

Nevertheless, the occupants of Crown lands, whether under or without location tickets, are liable for the work on front roads or by-roads which appertain to such lands, in the same manner as a proprietor of any other land.

**781.** Whenever any lot or piece of land has been divided between several owners or occupants, after the passing of a by-law or the completion of a *procès-verbal*, in virtue of which such lot or piece of land is liable for work upon any municipal road, all the owners or occupants of the lot or piece of land so divided are jointly and severally liable, saving to each his recourse against the others in proportion to the value of the land occupied, for the works ordered by the *procès-verbal* or by-law, until otherwise regulated by a subsequent *procès-verbal* or by-law, according as such works are regulated by *procès-verbal* or by by-law.

**782.** No rate-payer of any local municipality is liable for work on any road situated within any neighboring local municipality, unless such road be a county road.

**783.** The works on any municipal road, which must be performed by the labour of the persons liable for such work, are divided in proportion to the superficial extent of the land by reason whereof such persons are liable for the road.

**784.** All works upon municipal roads are executed in the manner prescribed by the provisions of this code, and by the *procès-verbaux*, or by the by-laws or orders of the council, respecting the same.

**785.** All works ordered to be done upon county or local roads and upon side-walks, are executed either under the superintendence and control of the inspector of the road division in which such roads or side-walks are situated, or under the superintendence and control of a special officer appointed for such purpose, by *procès-verbal* or otherwise, by the council or by the board of delegates having the control of such roads or sidewalks.

Such special officer is invested with the same authority, subject to the same obligations, and liable to the same penalties, as the road inspectors, in regard of the road or side-walk work for which he is appointed.

**786.** The work of building, improving or keeping municipal roads in repair, may be performed by contract

awarded and entered into, in accordance with the rules laid down in article 892 to 901, both inclusive, if it is so ordered by the *procès-verbaux* or by the by-laws which regulate the same, or by the council.

**787.** Repairs made on municipal roads at the expense of the corporation, may be given and awarded in the manner and at the time prescribed in article 828.

**788.** Every municipal road must be at all times kept in good order, free from holes, cavities, ruts, slopes, stones, incumbrances or impediments whatsoever, with hand-rails at dangerous places, in such a manner as to permit of the free passage of vehicles of every description, both by day and night, except in the case of article 389.

The side-walks must be also kept in good repair, free from all obstacles and impediments whatsoever, with hand-rails at dangerous places.

**789.** Every person bound to supply materials or perform work upon municipal roads or upon side-walks, is in default to fulfil such obligations, from the time when the by-law, resolutions, *procès-verbaux* or acts of apportionment, prescribing the performance of such work or the supplying of such materials, come into force, without any special notice being requisite, except in the case of work to be performed in common.

Persons liable to perform work required by the provisions of the law, are always in default to perform such work.

**790.** If the work has been given out by contract, the contractor is liable to the same obligations and penalties as the persons or corporations liable for the work for which he has contracted, and he is their surety for all damages, penalties and costs which they may be called upon to pay, in default of the work being executed.

**791.** Every person bound to perform, on municipal roads or side-walks, work required by the provisions of the law, and of the *procès-verbaux* or by-laws which regulate such roads or side-walks, is responsible for all damages resulting from the non-execution of such work in favor of the parties interested, or of the corporation or of any municipal officer, when such damages have been exacted from them, and is further, liable to a penalty of from one to four dollars for each day that he refuses or neglects to perform such work.

**792.** Every person who, without reason or authority cuts, mutilates or injures any trees planted or preserved for ornament on any municipal road, or any posts, inscriptions, works or articles forming part of, or connected with any municipal road, is responsible for all damages occasioned thereby, and further incurs a penalty of not less than two nor more than five dollars.

**793.** Every corporation is bound to maintain the roads and side-walks under its control, in the condition required by law, by the *procès-verbaux* and by the by-laws which regulate them, under a penalty not exceeding twenty dollars for each infraction thereof.

Such corporation is further responsible for all damages resulting from the non-execution of such *procès-verbaux*, by-laws, or provisions of law, saving its recourse against the officers or rate-payers in default.

If the road is under the control of several county corporations, such corporations are jointly and severally bound to maintain such road in the required condition, under the same penalty and responsibility.

**794.** Every local council, whenever a by-law or resolution is passed in virtue of articles 526 or 527, or every municipal council, whenever a petition has been laid before it by one or more persons interested in the construction opening, widening, alteration, divergence, or keeping in, repair of any road which either is or ought to be under its control, praying that the work to be performed upon such road, be settled and determined, must, without delay :

1. Call together, at one of its sittings, by public notice, the rate payers interested in the projected work, and if, after giving them a hearing, the council is of opinion that such work should be performed, make a by-law to settle, determine and apportion the work on such road ; or

2. Appoint, without delay, a special superintendent, whose duty it shall be to visit the places mentioned in the by-law, resolution, or to report to the council and to draw up a *procès-verbal* if necessary, within thirty days next after his appointment.

**795.** Any rate-payer may be made liable for any work on a front road or by-road, by a *procès-verbal* or a by-law made under and by virtue of the article 794, in proportion to the property he holds or occupies, subject nevertheless to the proviso contained in the article 782.

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## CHAPTER SECOND.

### MODE OF DRAWING UP A *procès-verbal* AND THE ACT OF APPORTIONMENT WHICH RELATES THERETO.

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#### SECTION I.

##### *Of the Procès-Verbal.*

**796.** The special superintendent must convene, hold and preside over a public meeting of the rate-payers inter-



ested in the proposed work, on the day, and at the hour and place, which he has fixed, and whereof he has given public notice.

Every rate-payer interested and present at such meeting is entitled to be heard.

**797.** If the special superintendent is of opinion that the work in question should not be undertaken, he mentions in his report the reasons for such opinion. If, on the contrary, he is of opinion that such work should be performed, he draws up a *procès-verbal*, in accordance with the provisions of this section.

**798.** The council, at the expiration of the delay within which such report should be made, in the event of its not having been made, or after having received the report of the special superintendent, whenever the latter is of opinion that the work should not be undertaken, may either provide such officer with new instructions and order him to prepare, within a fixed delay, a *procès-verbal* in accordance with the provisions of this section, or appoint another special superintendent in his stead.

**799.** Every *procès-verbal* must indicate :

1. The situation and description of the work to which it relates ;
2. The work to be performed and the delay within which it must be performed ;
3. The taxable property of the owners or occupants bound to perform work or to contribute to its performance ;
4. The proportion of work to be performed by each rate-payer, if the nature of the work admits of it, whenever the work must be done by the rate-payers themselves ;
5. The person, under whose superintendence such work must be executed.

**800.** If a front road is in question, and if all the work upon such road be imposed upon the owners or occupants of the lots fronting on such road, the indication of such lots in the *procès-verbal* is not required.

**801.** If any front road is in question, and that owing to peculiar circumstances, the work to be done upon such road by any owner or occupant, exceeds by more than one-half, the average of the work to be done upon the same road by owners of lands of equal value, such owner or occupant, may be, in and by the *procès-verbal*, exempted from a part of the work upon or of the cost of such road ; and such part of the road, described in the *procès-verbal* is considered as a by-road.

**802.** It may be further ordered by any *procès-verbal* :

1. That every bridge or other work forming part of the works upon a road, be constructed of stone, brick or other material, of certain dimensions, and according to plans and specifications annexed to the *procès-verbal*, and which may be amended by the proper council or board of delegates ;

2. That fences, hand-rails and other protections be placed at the side of any road where it passes near or borders upon any precipice, ravine, or other dangerous place;

3. That any part of a road through a swamp, or wet ground be made in whole or in part with fascines or pieces of square timber, according to the mode of construction determined upon;

4. That any road be or be not raised in the middle;

5. That any specified kind of materials be or be not used in making or repairing such work;

6. That, if a road pass through uncleared land, the timber on each side of the road be cut down by the owner or occupant of such land or by the persons bound to perform the road work, for the space of twenty feet from each fence, unless such trees are fruit trees, or maple or plane trees forming part of a maple grove, or are reserved for ornament to a property;

7. That the work be performable from the date of the coming into force of such *procès-verbal*, without it being necessary to draw up a deed of apportionment;

8. That works of building or repairing be not performed by the rate-payers themselves, but be done by contract at their expense, and that for such purpose they be, after public notice, adjudged publicly at auction to the last and lowest bidder offering sufficient security for the execution of the same.

**803.** Every *procès-verbal* may in addition determine the general mode of constructing or repairing the road and works connected therewith.

**804.** The special superintendent must deposit the *procès-verbal* and report drawn up by him, in the office of the council by which he was appointed, within the delay fixed by article 794, or by the council in the case of article 798.

**805.** If it appears to the council, at the office of which such *procès-verbal* and report have been deposited, that the work to be performed, is work falling within the jurisdiction of another council, the secretary-treasurer must transmit, without delay, the *procès-verbal* and all the proceedings connected therewith, to the office of the council to which they belong, for examination and homologation by such council or by the board of delegates, as the case may be.

If the work in question comes under the jurisdiction of more than one county corporation, the *procès-verbal* and proceedings connected therewith, must be transmitted to the office of the council of the county municipality in which the work was originally proposed, to be afterwards submitted to the board of delegates of the counties interested.

**806.** The council or the board of delegates concerned, may, at any time, after the deposit of the *procès-verbal* has

been made at the office of the council under either of the two preceding articles, homologate such *procès-verbal*, with or without amendments, or reject the same, by causing public notice to be given to the parties interested, of the time and place at which the examination of such *procès-verbal* is to commence.

Every person interested is entitled to be heard by the council or by the board of delegates, at the time appointed for the consideration of such *procès-verbal*.

**807.** The municipal council or the board of delegates in any decision on the merits of a *procès-verbal*, may tax the costs of the proceedings, and cause them to be paid by the parties interested, by the corporation, or by any other person in its discretion.

In the absence of a decision by the council or by the board of delegates, the costs incurred may be recovered from the corporation, under the direction of which the special superintendent acted, saving its recourse against the petitioners who demanded the *procès-verbal*.

In case of refusal, such costs may be recovered in the same manner as penalties imposed by the provisions of this code.

**808.** The secretary-treasurer of the council or the secretary of the board of delegates is bound without delay to give public notice of the homologation of any *procès-verbal* made under the provisions of this section.

**809.** Every *procès-verbal* comes into force at the expiration of the fifteen days which follow the public notice given, in virtue of the preceding article, unless an appeal has been taken in which case the *procès-verbal* comes into force from the date of the final decision of the county council, or of the court before which the appeal has been brought.

**810.** Every *procès-verbal* in force, may at any time, be amended or repealed by another *procès-verbal* drawn up in the same manner, on petition by the parties interested or under order of the council. Nevertheless any *procès-verbal* homologated by a board of delegates, can only be amended or repealed on petition by the majority of the rate-payers interested who are mentioned in the *procès-verbal*.

**811.** Any person may be declared liable for work upon any front road or by-road, under any *procès-verbal*, by reason of the taxable property which he owns or occupies, subject to the application of article 782.

**812.** If the *procès-verbal* does not dispense with the making of an act of apportionment, the work required by such *procès-verbal* need not be performed by the rate-payers, until an act of apportionment has been drawn up and comes into force.

**813.** A copy of any *procès-verbal* homologated by a county council or a board of delegates, must be transmitted

without delay to the office of the council of each local municipality, in which the road, governed by such *procès-verbal*, is situated either in whole or in part.

## SECTION II.

### *Of the Act of Apportionment.*

**814.** Within the thirty days next after the coming into force of any *procès-verbal*, the special superintendent must draw up and file at the office of the council in which the *procès-verbal* is deposited, an act of apportionment of the work to be done under such *procès-verbal*, unless an express provision of the *procès-verbal* dispenses with the same.

**815.** Every act of apportionment must indicate :

1. The work and the *procès-verbal* to which it relates ;
2. The work to be done ;
3. The taxable property, by the owners or occupants of which such work must be executed ;
4. The proportion of the work which must be done by each of them ;
5. The amount of the contribution which must be given by them in money, labor or materials ;
6. The place and time in which, and the officers to whom such contribution must be delivered.

**816.** If the special superintendent has not drawn up and filed the act of apportionment within the delay prescribed by article 814, the council, in the office of which such act should have been filed, may order such special superintendent or any other person to draw up or file the same within a fixed delay.

**817.** The act of apportionment comes into force fifteen days after it has been filed in the office of the council provided that public notice of the filing thereof has been given within such delay.

**818.** Every act of apportionment is annexed to the *procès-verbal* to which it relates.

In the case of article 813, a copy thereof must be transmitted without delay to the office of the council of each local municipality, in which the road is situated either in whole or in part.

**819.** The council, in the office whereof an act of apportionment is filed may amend such act on the petition of any rate-payer or road officer, after having given public notice to the parties interested, of the place, day and hour in which the consideration of the petition and the amendment of the act of apportionment are to be proceeded with, and after having heard any interested party, who desires to be heard.

Every amendment to an act of apportionment comes into force fifteen days after the passing thereof except in the case of an appeal, in which case the act of apportionment comes into force from the date of the final decision of the county council or of the court before which the appeal has been brought.

820. No provision of any act of apportionment can be inconsistent with those of the *procès-verbal* to which it relates.

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### SECTION III.

#### *General Provisions.*

821. The contribution of each person liable for work on roads, in virtue of any *procès-verbal* or act of apportionment, is based upon the value of the taxable property by reason of which he is liable therefor, as fixed by the valuation roll in force, if there is one, and if there is not, then, according to the valuation made by the special superintendent himself; saving the case mentioned in article 788.

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## CHAPTER THIRD.

### OF PERSONS LIABLE FOR WORK ON ROADS IN THE ABSENCE OF A PROCÈS-VERBAL OR BY-LAW.

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#### SECTION I.

##### *General Provisions.*

822. The provisions of this chapter are only applicable when there is no *procès-verbal* or by-law establishing by whom the work on municipal roads must be performed.

823. The burden of proving that any municipal road is not subject to the provisions of this chapter, is always upon the party claiming the exemption.

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#### SECTION II.

##### *[Of Front Roads.]*

824. The front road of each lot is kept in repair by the owner or occupant of such lot.

If a lot is possessed or occupied in portions, by two or more persons, such owners or occupants are jointly and severally liable for the work to be done on the whole of the front road of such lot, even in the case when the part of the lot possessed or occupied by them does not border upon the road, saving their recourse against each other in proportion to the value of the land occupied by each of them.

**825.** No one is bound to keep in repair on one and the same parcel of land, in a depth of thirty arpents, more than one front road governed by the provisions of this chapter.

If there be more than one front road on any piece of land of such depth, to be kept in repair, in accordance with the provisions of this chapter, the council must declare which of such roads is to be kept in repair by the proprietor or occupant of the lot; and the other front roads are treated as by-roads.

In default of such declaration, the proprietor or occupant is only liable for work upon the road in nearest proximity to his residence.

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### SECTION III.

#### *Of By-Roads.*

**826.** The work of keeping by-roads leading from one range to another in repair, is performed by the proprietors or occupants of the taxable property in the range to which such by-roads lead from any older range.

**827.** Repairs to be done on such by-roads are not performed by the labor of the parties bound to maintain the same, but by contribution, in money levied by the road inspector, on the taxable property by reason whereof such parties are liable for such repairs, by means of an act of apportionment made by such officer, according to the rule prescribed by article 821 and approved by resolution of the council.

**828.** Such work, every year, is publicly given out by the inspector of roads, after public notice, to the lowest tenderer, during the month of October for the period included between the first day of November, and the thirtieth day of April inclusively, and in the month of April for the period included between the first day of May and the thirty-first day of October inclusively, who offers satisfactory security for the execution of such work.

**829.** All work on by-roads, leading exclusively to ferries, or toll-bridges, are made by the owners or occupants of such ferries or toll-bridges.

**830.** The work on any other by-road is done at the expense of the corporation of the municipality.

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## CHAPTER FOURTH.

### OF WINTER ROADS.

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#### SECTION I.

##### *General Provisions.*

**831.** Winter roads are laid out and kept in repair in accordance with the rules contained in this chapter.

**832.** Winter roads are laid out before the first day of December in each year, in the places fixed by the road inspector of the division, in accordance always with the orders of the council, if the council see fit to give orders thereon.

The line thereof is marked by means of balizes of spruce, cedar or other wood, of at least eight feet in height, fixed on the ground at each side of the road, at a distance of not more than thirty-six feet one from the other on each line: if the road is laid down with two tracks, a row of balizes must be fixed in a similar manner between the two tracks.

Front roads are laid out by the persons who are liable for work on such roads, and by-roads by the road inspector of the division.

**833.** The council of every corporation, under the control of which any road whatsoever falls, may, by resolution, order that such road be during the winter laid out and kept in repair as a double road, one track thereof to be for vehicles going in one direction, and the other track for vehicles going in the opposite direction.

In default of an order of the council, under the preceding provision, a double track of twenty-five feet in length, at distances of not more than four acres from one another, must be made and maintained on every municipal winter road.

**834.** Every person placing balizes on a summer road after the road which must be substituted therefor in winter has been laid out beyond the limits of such road, or displacing balizes already placed, incurs a penalty not exceeding eight dollars.

**835.** No winter road, if there is a single track, must be less than fifteen feet in width, between the two rows of balizes. If it is a double road, each track must be at least ten feet in width

**836.** Every owner or occupant of land, situated upon any municipal road, must, unless it is otherwise provided for by the local council in virtue of article 541, or unless he has been exempted from doing so by the road inspector or the council, between the first day of December in each year and the first day of April following, keep all the fences erected by the side of such road, and all the fences forming an angle with those along the road, to a distance of twenty-five feet, levelled to within twenty-four inches of the ground.

This provision does not apply to hedges, upright posts, fences more than twenty-five feet distant from the road, nor to those which cannot be taken down or rebuilt without great expense, nor to fences erected in the woods, or within the limits of a village, whether the same be or be not constituted into a separate municipality.

**837.** Every council may, by resolution, give such orders as it deems proper, respecting the maintenance of winter roads, which are under its control. These orders are binding upon the officers of the council, and upon all parties interested in the work upon the road to which they relate.

**838.** Winter roads laid out on the same lines as the summer roads are at the expense of the same persons or corporations as in summer.

**839.** If any by-road leading solely to any ferry or pay-bridge, the road work of which is at the charge of the owner or occupant of such ferry or pay-bridge, serve in winter as a passage to any other public road, the work of maintaining such by-road or the road which is substituted therefor, is not, during the winter at the costs and charges of such owner or occupant, but is performed in the same manner as that of any other by-road.

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## SECTION II.

### *Of Winter Roads which replace Municipal Summer Roads.*

**840.** Winter roads on land, may be laid out, beyond their lines in summer, and across any field enclosure or land in standing timber. Nevertheless such roads cannot be laid out across gardens, orchards, yards or other pieces of land surrounded with hedges or fences which cannot be thrown down or replaced without great expense, unless it be with the consent of the occupant.

**841.** Winter roads, which are substituted for municipal summer roads, are kept in repair, either by those who in summer are liable for work upon the roads for which the former are substituted, or by the corporation itself when such roads are maintained at its expense, except in the case of article 839.

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## SECTION III.

*Of Winter Roads on Rivers.*

**842.** The corporation of every local municipality situated on the banks of a river or of any other piece of water, which separates, in front, such municipality or a part of such municipality from another, is bound to lay out and maintain during the winter, over half such river or piece of water, for the purpose of connecting the two municipalities, any road demanded by the council of one of such municipalities.

**843.** On the refusal or neglect of the council of the neighboring municipality, the road may be laid out, made, and maintained by the corporation demanding the same, at the expense of the corporation in default, which is responsible therefor.

**844.** Any road laid out and maintained upon the ice under article 842, may be continued at the expense of the corporation liable for such road work, across any field or land in standing timber, except through orchards, yards and grounds enclosed by a wall or hedge, to connect the road on the river or other piece of water with any other public road in the vicinity.

**845.** Such roads are laid out as soon as the ice is sufficiently strong, under the direction of the inspectors of roads or other special officers of the two councils interested.

**846.** Expenses incurred in laying out and maintaining any winter road upon the river St. Lawrence, the Ottawa river, the river Milles Isles, the Chambly river and the river des Prairies, by the corporations of the country or village municipalities situated on the banks of such rivers, are repaid them by the corporation of the county municipality, upon presentation of a statement of such expenses, certified by the mayor or secretary-treasurer of the local council, saving the case when such expenses must be reimbursed by town or city municipalities, in virtue of the following article.

**847.** The corporation of any town or city municipality situate on the banks of the river St. Lawrence, is bound to reimburse the expenditure incurred in laying out and maintaining every winter road which terminates within a radius of two miles from the limits of such municipality, upon the river, to the corporation of the neighboring local municipality, on the same side, which has incurred them.

**848.** The provisions of articles 842, 843, 844, 845, 846, and 847 do not apply to roads on rivers or other pieces of water, which are substituted for summer roads.

**849.** Corporations are not responsible for accidents or damages occasioned by the breaking of the ice, on roads laid out and maintained by them, on rivers or other pieces of water.

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## TITLE FOURTH.

## OF MUNICIPAL BRIDGES.

**850.** All public bridges of eight feet span or more, save and except those referred to in article 883 and those governed by special acts, or possessed by iron or wooden railway companies, or by the imperial, federal, or provincial governments, are under the control of municipal corporations, and are made and maintained in accordance with the provisions of this title.

**851.** All bridges situated either upon front roads or by-roads, are either local bridges or county bridges.

Local bridges are those which are wholly situate in one and the same local municipality.

County bridges are those which lie between two local municipalities. If any bridge lies between two local municipalities, which form part of two county municipalities, it is the bridge of the two county municipalities.

**852.** Municipal bridges known at the time of the coming into force of this code, as local bridges or county bridges, continue to be so known and to be governed as such, until otherwise provided under the authority of this code.

**853.** Every municipal bridge must have hand-rails or other sufficient protection; it must be at least fourteen feet in breadth between such hand-rails, and must be constructed of materials fastened or bound together in such a manner as to prevent all accidents.

**854.** Every municipal bridge must be kept in good order, in the manner required by law, and by the by-laws or *procès-verbaux* concerning it.

**855.** A by-law or a *procès-verbal* to regulate the work of constructing, improving or maintaining any municipal bridge may be drawn up, in the manner prescribed by article 794, either upon the petition of any person interested in such work, or upon the order of the municipal council after the passing of a by-law or resolution in relation to any bridge, in virtue of articles 526 or 527.

All the provisions of the second chapter of the preceding title respecting the manner of drawing up, amending or repealing a *procès-verbal* of a road and the act of apportionment relating thereto, apply to *procès-verbaux* to be drawn up, or already drawn up, respecting municipal bridges, in so far as they are consistent with the provisions of this title and the nature of the work to be performed upon such bridges.

**856.** In the absence of *procès-verbaux* or of by-laws respecting them, the work of constructing, improving or maintaining bridges situated on a front road, is performed at the cost of all the proprietors or occupants of the taxable

property comprised in the range in which is such front road, and the work upon bridges situated upon by-roads is at the cost of persons liable for such work on such by-roads.

The work of constructing or improving such bridges is in such case performed by contract given out in the manner prescribed in the seventh title of this book, and the repairs are performed according to the rules laid down in articles 827 and 828.

**857.** Municipal bridges are made or maintained by the corporation of the local municipality in which they are situated, if any by-law has been passed by the council of such municipality in virtue of article 535, with reference to bridges.

**858.** Articles 757, 758, 759, 760, 761, 762, 769, 780, 791, 782, 785, 786, 787, 789, 790, 791 and 793 apply also *mutatis mutandis* to municipal bridges.

**859.** Any person driving any vehicle faster than a walk over any bridge exceeding twenty feet in length, unless such bridge is wholly constructed of stone, brick or earth, or cutting, defacing or injuring any part of any bridge or of the posts or of any other object forming part of a bridge or belonging thereto, incurs a penalty of not less than two nor more than twenty dollars, in addition to the damages caused.

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## TITLE FIFTH.

### OF FERRIES.

**860.** All ferries on any river or other piece of water, are under the control of the corporation of the local municipality within the limits of which is situated such river or piece of water.

**861.** If a river, stream or other piece of water separates one local municipality from another, the ferry is under the joint control of the corporations of the two local municipalities adjoining such river, stream or piece of water.

**862.** No person can carry on the occupation or trade of a ferryman without a license to that effect; and any one so acting without a license, or beyond the limits assigned by his license, incurs a penalty not exceeding four dollars for each person or thing ferried over by him.

**863.** In the case of article 861 the license is given by the councils of the two municipalities interested, in conformity with the by-laws in force for that end. or, if such councils do not agree, by the lieutenant-governor, in conformity with the by-laws made under articles 549 and 550, and approved by him.

**864.** The moneys arising from any license granted by the lieutenant-governor belong in equal shares to the corporations of the two municipalities interested.

**865.** Neither the local council nor the lieutenant-governor can grant any license to keep a ferry within the limits for which an exclusive privilege has been conferred by any law on the proprietor of a toll-bridge.

**866.** Ferries between the parish of Notre Dame de la Victoire and the city of Quebec, between the parish of Longueuil and the city of Montreal, between Montreal and Laprairie and between Lachine and Caughnawaga, are not governed according to the provisions of this code.

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## TITLE SIXTH.

### OF MUNICIPAL WATER-COURSES.

**867.** All water-courses draining several pieces of land, with the exception of boundary ditches, which drain only the two properties between which they are situated, and of road ditches, are regulated according to the provisions of this title.

**868.** Every river or natural water-course, in the parts thereof which are neither navigable nor floatable, is a municipal water-course within the meaning of the provisions of this title.

A river or natural water-course which is only floatable at certain periods of the year or after rains, does not cease to be a municipal water-course.

**869.** Municipal water-courses are either local water-courses or county water-courses.

Water-courses situated wholly in one local municipality are local water-courses.

Those which divide two local municipalities or which pass through more than one local municipality are county water-courses. If a water-course divides or passes through local municipalities forming part of several county municipalities, it is the water-course of all such county municipalities.

**870.** The work of constructing, improving or maintaining any municipal water-course is performed by the persons interested, who are liable therefor under any by-law, *procès-verbal*, or act of agreement, or under the following article, or by the corporation if a by-law has been passed in virtue of article 475.

**871.** In the absence of a by-law, of an act of agreement, or of a *procès-verbal*, the work on a municipal water-course is performed by the owner or occupant of each piece of land

through which such water-course passes. If a water-course passes between two pieces of land it is at the joint cost of the owners or occupants of the same.

Nevertheless in the case of article 882, and in the absence of a by-law, act of agreement, or *procès-verbal*, the work is at the cost of the owners or occupants of the low and swampy lands drained by the water-course.

**872.** Work upon municipal water-courses is performed in the manner laid down by the provisions of this code, and by the acts of agreement, *procès-verbaux* or by-laws, as the case may be, which regulate such water-courses.

**873.** All the work ordered to be done on any county or local municipal water-course is performed under the superintendence and control of the rural inspector of the division through which such water-course flows, or of a special officer appointed for that purpose by the council or board of delegates, who have the control of such water-course.

Such special officer is invested with the same powers, subject to the same obligations and liable to the same penalties, in relation to the water-course for which he has been appointed, as the rural inspector.

**874.** The work of opening a municipal water-course cannot, however, be superintended by a rural inspector who is personally interested in the work to be performed on such water-course.

**875.** Municipal water-courses must be kept in good order and free from all obstructions, which prevent or impede the water from flowing, for the whole period between the first day of June and the thirty-first day of October following.

**876.** The rural inspector of every rural division must, between the first and fifteenth days of the month of June in each year, and thereafter until the month of November following, whenever required so to do by the council, or by the board of delegates or by any person interested, visit and examine the water-courses under his superintendence, and provide that the necessary work, for the maintenance of the same, be executed without delay, in conformity with the provisions of the law, and of the *procès-verbaux*, acts of agreement or by-laws, which prescribe such work.

**877.** No person is bound to perform work upon any municipal water-course between the first day of November in each year, and the thirty-first day of the month of May following, both days inclusive, except when such water-course is obstructed by snow or ice, and on the order of the inspector.

**878.** Articles 757, 758, 759, 760, 761, 762, 780, 781, 782, 786, 787, 789, 790 and 791, respecting municipal roads, apply also *mutatis mutandis* to municipal water-courses. Article 793 applies also to municipal water-courses, except, however, those the work on which is regulated by act of agreement!

**879.** Whoever obstructs any municipal water-course, or allows it to be obstructed in any manner, incurs, over and above the damage occasioned, a penalty not exceeding one dollar for every day such obstruction remains, at the expiration of two days from verbal or written notice given by or on behalf of any person interested, having for object the removal of such obstruction.

**880.** No municipal council or board of delegates can, by itself or by its officers, direct the demolition of any dam, dyke, or flood-gate of any mill or factory whatsoever, on the ground that such dam, dyke or flood-gate is an obstruction to a water-course.

**881.** No person is in any manner bound to make or to assist in making through his own land, a water-course of any depth greater than that which is necessary for draining such land.

**882.** The owners or occupant of any low and swampy land may make a water-course through any neighboring land or avail himself of those which are already made, deepen the same if they are not deep enough, and repair and keep them in order, in so far as is necessary for the drainage of such low and swampy land.

The work to be done on such water-courses may be regulated by by-laws, *procès-verbaux* or by act of agreement.

**883.** The rural inspector of the division may authorize the opening of any trench or excavation in any public road, to enable a water-course to pass through the same.

Such trench or excavation must be indicated, both by day and night, in such a manner as to prevent all accident, under a penalty of the damages occasioned.

Within the forty-eight hours next after the commencement of the work upon the road, a suitable and solid bridge of the width of the road must be built over such water-course. This bridge continues to form part of the work of the water-course.

**884.** Any municipal council, by resolution to that effect, or on the petition of one or more persons interested in the opening, closing, division, construction, or maintenance of any water-course which is or ought to be under its control, asking that the work to be done on such water-course be regulated and determined, or asking that the same be closed, must without delay, 1st. call together at one of its sittings, by public notice the rate-payers interested in the projected work, and if, after giving them a hearing, the council is of opinion that such work should be performed, make a by-law to settle, determine, and apportion the work on such water-course, or, 2ndly. appoint a special superintendent, with instructions to visit the places mentioned in the resolution or petition, to report to the council and to draw up a *procès-verbal*, if there is occasion to do so, within the thirty days next after his appointment.

885. All the provisions of the second chapter of the third title of this book, respecting the manner of making, amending or repealing any *procès-verbal* of a road and the act of apportionment connected therewith, apply to *procès-verbaux*, to be made or already made respecting municipal water-courses, in so far as such provisions are consistent with those of this title and with the nature of the work to be performed upon the water-courses.

886. The waters of any municipal water-course may be turned into any other municipal water-course, if it is so ordered by a *procès-verbal* or by-law, as the case may be, without such two water-courses being deemed to be a single water-course from the fact of their junction.

887. Any proprietor or occupant whose land is drained by any water-course may be made liable for the work on such water-course, in virtue of a *procès-verbal*, or of a by-law made under article 884, for and by reason of the extent of his land so drained, in the proportion established by the special superintendent, the council or the board of delegates, as the case may be : but should an error of not more than ten per cent of the whole of the land so drained, be made, such error is not to be taken into account.

888. The persons interested in any municipal water-course, whether the same is governed by a by-law, by a *procès-verbal*, or in virtue of article 871, may, by an act of agreement approved by the council or the board of delegates, who have the control of such water-course, determine the work to be done thereon, the manner in which it shall be done, and what persons amongst themselves shall do the same.

889. The act of agreement takes *de jure* the place of the *procès-verbal*, or of the by-law, which regulates such water-course if there is one, and is obligatory upon all who became parties to the same, and upon their representatives, until it is repealed by the council or the board of delegates, or by consent of all the parties thereto, or their representatives, or until it is replaced by a subsequent *procès-verbal* or by-law, under the same penalties as if the water-course was regulated by a *procès-verbal*.

890. A copy of every act of agreement must be deposited in the office of the council of every local municipality in which is situated, either in whole or in part, the water-course regulated by such act.

891. Any person may use any municipal water-course as well as the banks thereof, for the conveyance of all kinds of timber or wood, and for the passage of all boats, ferry-boats and canoes, subject always to the charge of repairing, without delay, all fences, drains or ditches damaged thereby, and to the payment of all damages resulting from the exercise of such right.

**TITLE SEVENTH.****OF OTHER PUBLIC WORKS OF MUNICIPAL CORPORATIONS.**

**892.** All public works of county or local municipal corporations, the execution of which is not specially regulated by the provisions of this code, are made, at the expense of the corporation which orders them, by contract awarded and passed according to the rules laid down in this title.

**893.** On resolution of the council to that effect, public notice is given, specifying summarily, the works to be made, the details prescribed by the council, and the time during which tenders therefor may be sent in.

**894.** The contract for such works must be awarded by resolution of the council.

**895.** The contract is made in the name of the corporation and accepted by the head of the council, or by a person specially authorized for that purpose by the council.

**896.** The person to whom such work is adjudged must give security to the satisfaction of the council for the due performance of such work, and for the payment of all damages, costs, and interest, in the event of his not fulfilling the contract.

**897.** Whenever work is under the direction of the county delegates the notice is published, and the contract awarded and entered into according to instructions from the board of delegates, by the council of the county municipality which originally proposed the work in question.

**898.** The contract is binding on every municipal corporation interested in the work to which it relates.

**899.** The council with whom the contract has been made, may, in the name of the corporation which it represents, sue to enforce performance thereof before any competent court.

**900.** The other municipal corporations interested in the work to which such contract relates may bring a similar action, but only after having given the council which entered into the contract, a special notice of fifteen days requiring such council to institute such action.

**901.** The council or the board of delegates under whose direction such contract is performed, may order any road inspector of the division in which such work is being done, to superintend its execution.



## TITLE EIGHTH.

## EXPROPRIATION FOR MUNICIPAL PURPOSES.

**902.** Every municipal council may, in complying with the provisions of this title, appropriate any land required for the execution of works ordered by any by-law, *procès-verbal* or other resolution within the scope of its jurisdiction.

**903.** The corporation becomes the proprietor of such land, and may take possession thereof, without any other formality, from the moment that the decision of the valuers who fixed or refused an indemnity, has become final and without appeal.

**904.** No council of a county or rural municipality can, without the consent in writing of the proprietor :

1. Demolish or injure any house, barn, mill, or other building ;

2. Cause a public road to be made through any farm-yard or any garden enclosed by a wall, hedge, board or standing picket-fence, nor through any orchard or maple grove situated within a radius of four hundred feet of the house inhabited by the occupant of such orchard or grove.

**905.** No municipal council can, without the consent in writing of the owner, in any manner injure any canal, or the dam of any mill or manufactory, nor divert the course of the water which feeds such canal, mill or manufactory, nor cause a public road to pass through property mentioned in any of the first four paragraphs of article 712.

**906.** No indemnity must be allowed for the land required for the first front road upon a lot, nor for the land reserved for a public road in the grant or concession of a lot.

Nor is any indemnity to be allowed by way of *prix d'affection*.

**907.** In the valuation of any land taken for a public road, the value of the road which has been done away with, which falls to the expropriated proprietor under article 753, and the special advantages which such proprietor derives from the new road as laid out, must be estimated and go in deduction of the value of such land.

If the land is taken for any other public work, the advantages which the proprietor derives from such work are also estimated and go in deduction of the value of such land.

**908.** The indemnity to be paid for any land liable to expropriation may be fixed and established by agreement between the proprietor thereof, if he is of age and in possession of civil rights, and the council under the control of which such expropriation takes place ; and it may also be agreed that no indemnity need be accorded to the expropriated proprietor.

In the absence of an understanding between such parties, the value of the land in question, together with whatever goes in compensation with the value of such land, is estimated by the valutors of the local municipality in which such land is situated, and the indemnity is fixed or refused by them.

**909.** No one can act as valuator under the provisions of this title:

1. Whenever he himself, or his relations either by blood or marriage, to the degree of cousin-german exclusively, are interested as expropriated persons;

2. Whenever he himself will be called upon to pay the indemnity, which may be granted.

Nevertheless no valuator, can be objected to, on the ground of relationship to any one of the parties who must pay the indemnity in the case where such indemnity may be granted.

**910.** No objection to the competence of any valuator can be made, after the award fixing or refusing such indemnity has been rendered.

**911.** If by reason of incompetence, absence, refusal or other causes, some of the valutors in office or of those appointed to replace them, do not act under the provisions of this title, the local council must replace them by other persons capable of discharging such office.

These substitutes are invested with the same powers, subject to the same obligations, and liable to the same penalties as the valutors in office, but they only discharge their duties, with regard to the special case of expropriation for which they were appointed.

**912.** The valutors, required to proceed in virtue of the provisions of this title, commence their proceedings at the time and place fixed by the council asking the expropriation, and of which they have given public notice, and also a special notice of at least five days to the parties to be expropriated.

They may adjourn their investigations and the examination of the parties interested and their witnesses, from day to day, until the award is rendered.

**913** Such valutors, after having examined and valued the land and heard the parties interested and their witnesses, render their awards, by means of one or more certificates, which are lodged by them in the office of the council demanding the expropriation.

Public notice of such lodging must be given without delay by the secretary-treasurer of the council.

**914.** Every award rendered by the valutors is final and cannot be appealed from, after the expiration of the thirty days from the notice of the lodging of the certificates, unless objection be made thereto in virtue of the following article.

**915.** Any one aggrieved by any award so rendered may make objection thereto, by producing a petition in writing to such effect, at the office of the council, within the thirty days which follow the public notice given under article 913.

**916.** After the production of such petition at the office of the council, on demand of one of the parties interested, three new valuers are appointed as follows: one by the council which demands the expropriation, one by the party who objects to the award, or by the party who maintains the award, if it be the council that object to it, and one by a judge of the superior court, the district magistrate, the prothonotary, or by the clerk of the circuit court for the county or district.

If one of the parties refuse to appoint and to make known his valuator within the two days which follow the demand therefor, which is served upon such party, the valuator is appointed by such judge, district magistrate, prothonotary or clerk.

**917.** The three new valuers, after having made oath well and faithfully to discharge their duties, proceed with the valuation of the land and of whatever enters into compensation therewith, to the hearing of the parties interested and their witnesses and to the rendering of their award, in the same manner as the previous valuers, save and except the time and place of their deliberations, which they fix themselves.

The award rendered by such valuers is final, and without appeal.

**918.** In every award rendered by them the valuers must mention the lot of which the land taken forms part, indicate the proprietor of such land, as well as the by-law, *procès-verbal*, or order of the council in virtue of which such land is taken, and fix the amount of indemnity, if they grant any, and if not, state their refusal.

**919.** The indemnity granted by the valuers bears interest at four per cent from the day of the entry into possession of such land, and is payable by the corporation at the expiration of the four months which follows such entry into possession.

**920.** Any person in possession of such land at the time of the valuation thereof, and who is *bona fide* deemed to be the proprietor thereof, may receive the indemnity granted for such land, saving the recourse of the real proprietor against the person who has received the indemnity.

**921.** If before the expiration of the four months, creditors come forward, who claim payment of the indemnity either in whole or in part, the secretary-treasurer, must retain in his hands the moneys intended to pay such indemnity, or the portion thereof claimed, until, on petition to that effect, a judgment is rendered by the magistrate's court for the county or district.

**922.** If the public work which required the expropriation that the cost and charge of the rate-payers, in accordance with the provisions of a by-law, of a *procès-verbal*, or of the law, the amount of all the indemnities, with interest and costs, must be apportioned, like any other municipal tax, by the secretary-treasurer, upon all the rate-payers according to the value of the taxable property on account of which they are liable for such works.

The collection of the moneys is made, with as little delay as possible, by the secretary-treasurer, in the same manner as local taxes.

**923.** If the council so order, the amount of such indemnities is appointed by the municipal officer who conducts the work to which the indemnity relates, and collected by him in the same manner as any other tax for roads or other public works.

**924.** If the works which require the expropriation are under the direction of the county delegates, the expropriation of all lands takes place under the control of the municipal council of the county in which such lands are situate, according to the instruction of the board of delegates.

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## TITLE NINTH.

### APPEALS TO THE COUNTY COUNCIL.

**925.** An appeal lies to the county council, from the passing of any by-law made by the council of any rural municipality, excepting those which merely repeal other by-laws, those which relate to the sale of intoxicating liquors, and those which, before coming into force, must be approved by the municipal electors.

The right of appeal can only be exercised within the fifteen days which follow the promulgation of the by-law.

**926.** An appeal lies to the same council from the homologation of any *procès-verbal* made by any local council, within the fifteen days following the notice of homologation given in virtue of article 806; as also from any decision of a local council rendered under article 819, respecting an act of apportionment, within the fifteen days which follow such decision.

**927.** An appeal also lies to the county council, from any decision rendered by a local council under articles 734 and 738 respecting a valuation roll, within the fifteen days which follow such decision. Such appeal lies also whenever the local council has neglected or refused to take cognizance of any written complaint, made in virtue of article 735, within fifteen days after the expiration of the delay in which it might have taken cognizance thereof

**928.** The appeal may be brought before the county council by any person having an interest therein.

**929.** The appeal is brought by means of a summary petition which must be filed in the office of the county council, within the prescribed delays, in default whereof the right of appeal determines.

A copy of such petition must, within the same delay, be served at the office of the local council.

**930.** Every petition in appeal must be taken into consideration by the county council within the thirty days next after it has been filed in the office of the council, in default of which the appeal determines, save in the case of the following article :

Whenever no ordinary session is to be held within the thirty days, it is the duty of the secretary-treasurer or of the warden, if they are notified thereof, to summon a special meeting of the council, to be held within such delay, to take into consideration such petition in appeal.

**931.** If the special session convened under the preceding article is not held, through the absence of a quorum, the petition in appeal may be taken into consideration at the next general session.

**932.** The council, after having heard the petitioners and the members of the local council or the secretary-treasurer thereof, and after having heard the witnesses and examined the documents produced by the parties, confirms, amends or disallows the by-law, *procès-verbal*, or decision appealed from.

By its decision, the county council may award and tax the costs in appeal against any party and in favor either of the county corporation or of any other party ; and such costs may be recovered in the same manner as penalties imposed under the provisions of this code.

**933.** If the county council neglects or refuses to take into consideration the petition in appeal, within the prescribed delay, or if, after having taken the same into consideration within such delay, it closes the session or adjourns the same *sine die* or for any period beyond ten days, without having decided upon the merits of the petition, the appeal is quashed, and the by-law, *procès-verbal*, or decision appealed from, is held to be confirmed by the county council.

**934.** A copy of the decision of the county council, if a decision was arrived at, or otherwise, a certificate from the secretary-treasurer of such council establishing that no decision was given by the council within the required time, must be transmitted, without delay, to the office of the council of the local municipality from which the appeal arose.

**935.** Every decision of the county council which amends any *procès-verbal*, must be published by the secre-

tary-treasurer of the local council by a public notice containing the substance of such decision.

**936.** Whenever a petition in appeal is served at the office of the local council, the secretary-treasurer of such council must forthwith transmit all the documents relating to the matter which forms the subject of the appeal to the office of the county council.

These documents must be returned to the office of the local council, immediately upon the decision of the county council, or, if there has been no decision, immediately upon the expiration of the time during which such decision might have been rendered.

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## TITLE TENTH.

### MUNICIPAL TAXES AND DEBTS.

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## CHAPTER FIRST.

### MUNICIPAL TAXES.

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## SECTION I.

### *General Provisions.*

**937.** Municipal taxes imposed on the taxable property of a municipality, must be apportioned, as well on the taxable real estate, as on the movable property declared to be taxable by article 710, unless it be specially declared that such taxes must be imposed solely on the taxable real estate.

**938.** The amount of every tax imposed by a county council, for general or special purposes, is levied, except in the case mentioned in articles 490 and 491, on all the local corporations of such county, in proportion to the total value of their taxable property liable for the payment of such tax.

**939.** The portion imposed on each local corporation constitutes a debt payable by such corporation to the county council, according to the conditions and on the terms fixed by such council.

The amount of such portion or debt is levied in the local municipality in the same manner as local taxes, on all the taxable property subject to such tax, without its being necessary to make other by-laws or orders for that purpose.

In the case of refusal or neglect on the part of the local corporation to pay the portion which has been imposed

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upon it, such portion may be recovered from it in the manner set forth in article 951.

**940.** The secretary-treasurer of the county council is bound, before the fifteenth day of May in each year, or at any other period fixed by the council, to apportion, with the approval of the latter, among all the local corporations of the county municipality, the sums payable to the county council, during the current year, in virtue either of municipal orders or of former apportionments in force, and to transmit to the office of the council of each local corporation, a certified copy of such apportionment.

Whenever a new sum of money is imposed by the county council, after the period fixed upon by this article, a new apportionment must be made and transmitted in the same manner, by the secretary-treasurer.

**941.** Taxes imposed for county purposes, under a *procès-verbal*, or act of apportionment relating to any *procès-verbal*, or made under article 490 or 491, are collected by the officers of the local municipalities, in which is situated the taxable property affected, in the same manner as taxes imposed for local purposes.

A statement of such taxes must be without delay transmitted to the persons entrusted with their collection, if such persons are not those whose duty it is, under the control of the county council or the county delegates, to attend to the execution of the *procès-verbal*, of the act of apportionment, of the by-law, or of the law.

**942.** All municipal taxes imposed on taxable property for local or county purposes, must be fairly apportioned according to the valuation roll in force, on all property subject to the payment of such taxes, in proportion to its taxable value, that is to say, in proportion to the actual value of the real estate, and the estimated value of property declared taxable under article 710, save the case specified in article 783.

**943.** The council of every local municipality may, by a resolution, exempt from the payment of municipal taxes, for a period not exceeding five years, any person who carries on any business, trade, or mining or manufacturing enterprise whatsoever, as well as the land used for such business, trade, or manufacturing or mining enterprise, or agree with such person for a fixed sum of money payable annually for any period not exceeding ten years, in commutation of all municipal taxes.

It may also exempt the poor of the municipality and their property from the payment of municipal taxes.

Such exemption or agreement does not extend to work upon water-courses, boundary ditches, fences, clearances, or front roads connected with taxable property so exempted or commuted.

**944.** The local council may, whenever it deems advisable, authorize by resolution the secretary-treasurer or any other officer, to add a sum not exceeding ten per cent to all taxes to be levied on the taxable property in the municipality to cover losses, costs and bad debts.

**945.** Municipal taxes or contributions in labor or materials are always convertible into money, after they fall due.

**946.** All municipal taxes are regarded as privileged debts, exempt from the formality of registration.

**947.** Taxes bear interest, at the rate of six per cent, from the expiration of the delay during which they ought to be paid, without its being necessary for such purpose that a special demand of payment be made. Neither the municipal council nor its officers can remit such interest.

**948.** All municipal taxes, imposed on any land, may be collected from the occupant or other possessor of such land as well as from the owner thereof or from any subsequent purchaser of such land even when such occupant, possessor or purchaser is not entered on the valuation roll.

**949.** Any person, not being the proprietor, who pays municipal taxes imposed in consideration of the land which he occupies, is subrogated without other formality, in the privileges of the corporation on the movable or immovable property of the proprietor, and may, unless there be an agreement to the contrary, withhold from the rent or from any other debt which he owes him, or recover from him by personal action, the amount which he has paid in principal, interest and costs.

**950.** All arrears of municipal taxes, except in the case of articles 492 and 495, are prescribed by three years. This provision is subject to the application of articles 2267 and 2270 of the civil code.

**951.** The payment of municipal taxes may be also claimed by an action brought in the name of the corporation, before any justice of the peace, the magistrate's court, or the circuit court for the county or district, as well against persons absent from the municipality as against those present therein.

**952.** The local council must, on the requisition of the school commissioners or trustees of any school municipality situated within the limits of the local municipality, accept the school assessment roll or the certified extract therefrom presented by them, and order the secretary-treasurer to collect such taxes in the same manner and at the same time as municipal taxes.

**953.** Taxes levied by the local council for public works in each of any townships united to form a distinct local municipality under article 39, are expended, less the costs of collection and of management, in the townships in which such taxes were levied, unless the county council otherwise orders.



## SECTION II.

*Collection of Taxes in Local Municipalities.*

**954.** It is the duty of the secretary-treasurer of every local council, to make a general collection roll, each year during the month of October, or at any other time fixed by the council.

He must also make a special collection roll, whenever a special tax has been imposed after the making of the general collection roll, or whenever he is ordered so to do by the council.

**955.** Every collection roll must contain, in different columns:

1. The names and quality of each proprietor, who is a rate-payer, entered on the valuation roll, or the word "unknown," if the proprietor is unknown;

2. The names and quality of every occupant of taxable land, who is not the owner thereof, if such occupant is known, whether he is or is not entered upon the valuation roll;

3. The actual value of the taxable real estate of each rate-payer;

4. The value of the property of each rate-payer, declared taxable in virtue of article 710;

5. The total value of the taxable property of each rate-payer;

6. The amount of taxes payable by each rate-payer.

**956.** If the collection roll is general, it must set forth in detail, in as many distinct columns, all taxes due since the making of the last general collection roll, distinguishing therein local taxes from those which have been imposed for county purposes.

**957.** In every local municipality in which taxes have been imposed in virtue of article 584 or 595, the secretary-treasurer must enter on the general collection roll, in the column for the names of rate-payers, the names and qualities of all persons liable for such taxes, and in separate columns, the amounts due.

**958.** The secretary-treasurer must enter on the general collection roll and collect all municipal taxes payable in or converted into money, ordinarily collected by other municipal officers, and due or payable either to the corporation or to the officers of the council, by persons occupying taxable property in the municipality, provided that a statement certified and attested under special oath, be transmitted to the office of the council before the making of the general collection roll.

**959.** If the municipal council has ordered, by resolution, that the collection of school taxes be made at the same

time and in the same manner as municipal taxes, the secretary-treasurer must enter, on the general collection roll, the amount of such taxes, collect them and remit them forthwith to the secretary-treasurer of schools.

**960.** The secretary-treasurer, after having completed the collection roll, gives public notice by which he announces that the general collection roll, or the special roll, as the case may be, has been completed and is deposited at his office, and requires all persons subject to the payment of the taxes or sums therein mentioned, to pay the same at his office, within the twenty days next following the publication of such notice.

**961.** At the expiration of such delay of twenty days, the secretary-treasurer must make a demand of payment of all taxes and sums of money entered in the collection roll and remaining uncollected from the persons liable for the same, by serving or causing to be served upon them a special notice to that effect, accompanied by a detailed statement of the sums due by them.

Until the fee for the service of such notice is fixed by the council in virtue of article 471, the secretary-treasurer is entitled to twenty-five cents for the service of such notice, notwithstanding any municipal by-law in force at the time when this code comes into force.

**962.** If after the fifteen days next following the demand made in virtue of the preceding article, the sums due by the persons entered on the collection roll have not been paid, the secretary-treasurer may levy them together with costs by seizure and sale of the goods and chattels of such persons which may be found in the municipality.

**963.** Such seizure and sale are made under a warrant signed by the mayor of the council.

Such warrant is addressed to a bailiff, and must be executed by that officer, under his oath of office, according to the same rules and under the same responsibilities and penalties as a writ of execution *de bonis*, issued by the circuit court.

The mayor, in giving and signing such warrant, does not incur any personal responsibility; he acts under the responsibility of the corporation, in whose interest the distress is made.

**964.** The day and place of sale of the movables and effects so seized must be announced by the bailiff by public notice in the manner prescribed for judicial sales of movables.

Such notice must also state the names and quality of the person whose effects are to be sold.

**965.** If the debtor is absent, or if there is no person to open the doors of the house, cupboards, chests or other closed places, or in the event of refusal to open the same, the seizing officer may, by an order of the mayor or of any

other justice of the peace, cause the same to be opened by the usual means, in presence of two witnesses, with all necessary force, without prejudice to coercive imprisonment, if there be a refusal, violence or other physical obstacle.

**966.** No opposition or claim founded on a right of property or privilege on the movables and effects seized can prevent such seizure and sale, nor the payment of the taxes out of the proceeds of the sale, unless a sum of five dollars, or a sum equal to that claimed in and by the warrant of distress, if such sum does not exceed five dollars, be at the same time deposited in the hands of the secretary-treasurer.

Such opposition is further made, heard and adjudicated upon in the same manner as the one made under article 970.

**967.** The sum deposited is returned to the person who paid the same, if the conclusions of the opposition or demand are granted, if not, it goes towards the payment of the costs incurred.

**968.** The proceeds in money of the sale of the effects seized, the costs of seizure and sale being deducted therefrom, are applied by the secretary-treasurer to the payment of the amounts which appear on the collection roll, with interest and costs.

The surplus, if any, is paid by the secretary-treasurer to the person whose effects were so sold, or is retained by the secretary-treasurer, in case claims are made against it, until a decision has been rendered, on petition to that effect, by the magistrate's court or the circuit court of the county or district. If the claim is admitted by the defendant, the moneys are paid by the secretary-treasurer to the claimant.

**969.** Whenever any land subject to the payment of municipal taxes has been seized and sold by law, or is the object of a petition for ratification of title or for expropriation, the secretary-treasurer must produce the claim of the corporation, by filing within the required delay, at the office of the sheriff or of the prothonotary, a detailed statement of such claim, certified either by the mayor of the council or by himself, together with the necessary vouchers.

**970.** Every rate-payer who is required to pay, either as municipal or school taxes, an amount greater than that which he owes, may plead such fact by exception to any action or claim, or by opposition to any seizure of his movable property and effects made under article 962.

Such opposition must be accompanied by an affidavit attesting the truth of the allegations it contains, be served on the officer entrusted with the execution of the warrant of seizure, and be returned within the eight days next following before the circuit court for the county or district or before the magistrate's court at its next session. It is subsequently heard and decided according to the ordinary rules of procedure of the court.

The opposition delays the sale provided it is accompanied by an order for that purpose, signed by the judge or by the district magistrate or by the clerk of the court, before which it is returnable.

**971.** The secretary-treasurer may, under the authority of the local council, and at the expense of the corporation, employ one or more persons to assist him in collecting the municipal taxes, for whose acts, omissions or neglect he and his sureties are nevertheless responsible.

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## CHAPTER SECOND.

### MUNICIPAL DEBTS.

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#### SECTION I.

##### *General provisions.*

**972.** The principal and interest of any loan or debenture, may be made payable in the province or elsewhere, either in the currency of Canada or of the country where the same are payable.

**973.** The principal, interest and costs of any debt, contracted by a county corporation for general purposes, are payable to the county council by all the local corporations of the county municipality, and are apportioned and levied in the same manner as taxes imposed by the county council.

**974.** In every by-law made by a county council, ordering a loan or an issue of debentures to be made for the purpose of aiding in the construction of any wooden or iron railway, or any other public works, to which the corporation of one of the local municipalities of the county municipality has already contributed in its corporate name, it may be stipulated that the amount of the contribution granted by the local council, calculated on the amount of its valuation roll in force at the time such last contribution was ordered, be taken and considered as forming part of the aid granted by the county corporation, to the amount of its share in such aid.

**975.** In any such case it is valid for the council of the local municipality, if the aid which it has granted in the name of the local corporation must be given by debentures, and if such debentures are not issued, to cancel such aid to the amount of its share in the contribution granted by the county council. If such debentures have been

issued, the holders thereof may exchange them for debentures of the county corporation, by transferring to such county corporation, an amount of the stock of such local corporation equivalent to such exchange, with the consent of the local corporation, the council whereof in any such case, must transfer to the county corporation, its share in the work represented by the debentures exchanged.

**976.** Until such cancellation or exchange has been made, the county council must, in apportioning the tax to be levied under its by-law, make a deduction from the portion of the tax imposed on the corporation of such local municipality, proportionate to the amount of the aid granted by such corporation.

**977.** The whole debt contracted by any county corporation cannot, at any time exceed twenty per cent of the value of the taxable property of the municipality.

**978.** No local council can, by itself, contract debts for any amount exceeding twenty per cent of the taxable property of the municipality, such amount to include the share which such council has to contribute towards paying the debt of the county corporation.

**979.** The auditor of the provincial accounts must compile annually in the month of June, from the returns transmitted to his office in conformity with article 168, a statement in tabular form shewing :

1. The names of all the municipal corporations indebted ;
2. The amount of the debt of each of such corporations ;
3. The amount of interest due by them ;
4. The value of movables or immovables belonging to them ;
5. The amount of the valuation of taxable property in each of the municipalities of which the corporation is indebted ;
6. The total rate of taxation or assessment in the dollar, levied for any purpose whatsoever upon taxable property or only upon taxable real estate in such municipalities.

A copy of such tabular statement must be forwarded by the auditor to each branch of the legislature, within the first fifteen days of the following session.

**980.** The loans contracted and the debentures issued or the issue of which has been authorized before the promulgation of this code, in conformity with the acts respecting the municipal loan fund, and remaining unpaid, continue to be governed by the provisions of chapter eighty-three of the Consolidated Statutes of Canada and of any other act relating thereto ; and the amounts of such loans or debentures are repayable, the taxes levied to discharge them are apportioned and collected even in cases where the corporation is in default, and the duties and obligations of the municipal councils and officers regarding such loans

or debentures must be discharged, until the same have been wholly paid and redeemed, in the same manner as if this code had not been promulgated.

## SECTION II.

### *Special provisions respecting Municipal Debentures.*

**981.** Every municipal debenture must specify :

1. The name of the corporation by which it is issued ;
2. The by-law authorizing the issue thereof ;
3. The amount for which it is given ;
4. The rate of interest payable per annum ;
5. The time and place of payment both of interest and principal ;
6. The date of issue.

It must also bear the signature of the head of the council or of any other person authorized by the council to sign it, as well as that of the secretary-treasurer.

**982.** It must further contain all provisions necessary to carry into effect the intent of the by-law in virtue of which it is issued.

**983.** The interest on debentures is payable half-yearly.

**984.** Every debenture is made payable either to the bearer, or to any person named therein, or to the person named therein or the bearer, or to the person named therein or to order.

**985.** Debentures can be issued for a sum less than one hundred dollars and be made payable less than five or more than thirty years from the date thereof.

**986.** If the debentures are payable after five years from the date of their issue, the annual tax levied for payment of the yearly interest and for the sinking fund, can be imposed only on the taxable real estate of the municipality.

**987.** Any municipal debentures payable to bearer, or to any person named therein as bearer, may be transferred by mere delivery.

Any municipal debenture payable to a person named therein, or to a person named therein or order, may be transferred by either general or special endorsement. When it is endorsed generally it is transferable by mere delivery.

Such transfer vests the property thereof in the holder and gives him the right to maintain an action thereupon in his own name.

**988.** Any debenture may contain a stipulation to the effect that the sum annually carried to the sinking fund, be, with the consent of the lender, returned to such lender or his representatives, instead of being invested in the

manner provided by the by-law. In any such case the debenture is not redeemable at the expiration of the delay fixed by the by-law, and it is deemed to have been paid in full and discharged by the payment of the annual amount of the interest and of the sinking fund specified in such debenture.

**989.** The council of any corporation which, either before or after the coming into force of this code, issued debentures redeemable at the expiration of a certain delay, may, with the consent of the holder, exchange the same for debentures of equal value, payable in the manner set forth in the preceding article.

**990.** The secretary-treasurer of any corporation the council whereof have passed a by-law for the purpose of raising money by the issue of debentures, must before the negotiation, sale, or promise of sale thereof, transmit to the registrar of the registration division in which such municipality is situated, an authentic copy of the by-law authorizing the issue of debentures together with a return shewing:

1. The nature and object of such by-law;
2. The amount to be borrowed thereunder;
3. The number of debentures to be issued;
4. The amounts thereof respectively;
5. The dates at which the same respectively fall due;
6. The value of the movable and immovable property belonging to the corporation;
7. The amount of the privileges and hypothecs to which the movable and immovable property of the corporation is subject;
8. The amount of the valuation of the taxable property in the municipality;
9. The annual rate of assessment per dollar required to liquidate the debentures.

**991.** The secretary-treasurer of every corporation which, before the promulgation of this code, shall have issued debentures without complying with the two first sections of chapter eighty-four of the Consolidated Statutes of Canada, must transmit, within three months after the coming into force of this code, to the registrar of the registration division in which the municipality is situated, authentic copies of all the by-laws theretofore made for the purposes of raising money by the issue of debentures, together with a return shewing:

1. The nature and object of each by-law authorizing or ordering an issue of debentures;
2. The amount of the debentures issued;
3. Their respective amounts;
4. The sums already paid or redeemed by the corporation on account of such debentures;

5. The balance due and payable on each of the same;
6. The dates at which they respectively fall due;
7. The annual rate of assessment necessary to discharge them;
8. The value of the movable or immovable property belonging to the corporation;
9. The amount of the privileges and hypothecs to which the immovables of the corporation are subject.
10. The amount of the valuation of the taxable property of the municipality.

**992.** The registrar must receive, file and keep in his office, the by-laws which are transmitted to him in virtue of the two preceding articles, and register them in a book kept for that purpose.

**993.** The by-laws and returns registered or filed in the registrar's office, and all his books of entry are open to the examination of any one desiring to inspect the same, during office hours, on payment of the fees established by the following article.

**994.** The following fees are payable to the registrar for any services required by the articles of this section :

1. For the registration of an authentic copy of any municipal by-law..... \$2.00
2. For the registration of any report transmitted under articles 990 and 991..... \$1.00
3. For search, inspection and examination of each copy of a by-law, and of the entries which refer thereto.. \$1.00

**995.** Every secretary-treasurer who neglects or refuses to comply with articles 990 or 991, within the required time, incurs a penalty not exceeding two hundred dollars, and in default of payment, imprisonment until payment of the fine and costs, which imprisonment ends on payment of the fine and costs and must not, however, in any case exceed twelve months.

**996.** In any action upon a municipal debenture, it is neither necessary to allege nor prove the notices, by-laws, statutes and other proceedings in virtue of which such debenture was issued.

**997.** Every municipal debenture issued under a by-law approved of by the lieutenant-governor in council, whether before or after the coming into force of this code, is valid, and the amount thereof may be recovered in full, notwithstanding that such debenture was issued illegally and irregularly.

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## TITLE ELEVENTH.

SALE OF LANDS LIABLE FOR MUNICIPAL TAXES IN DEFAULT  
OF PAYMENT.

## CHAPTER FIRST.

## SALE AND ADJUDICATION OF LANDS.

**998.** The secretary-treasurer of every county council must, before the eighth day of the month of January in each year, from the statements transmitted to the office of the council under article 373, prepare a list shewing:

1. The description of all the lands situated in the county municipality, on account of which municipal or school taxes are due, together with the names of the owners as mentioned in the valuation roll;

2. Opposite the description of such lands, the amount of the taxes for which they are liable.

Such list is accompanied by a public notice, setting forth that such lands are to be sold at public auction, at the place where the sessions of the county council are held, on the first Monday of the month of March next, at ten o'clock in the forenoon, in default of payment of the taxes for which they are liable and the costs incurred.

**999.** The list and the notice which accompanies it must be published in the ordinary manner, and also twice in the Quebec Official Gazette, and in one or more newspapers, during the month of January.

**1000.** At the time appointed for the sale, the secretary-treasurer of the county council, or some other person acting for him, sells to the highest bidder, those lands described in the list upon which taxes are still due, after making known the amount to be raised on each of such lands, including therein a part of the costs incurred for the sale, proportionate to the amount of the debt.

**1001.** Any person offering then and there to pay the amount of the moneys to be raised together with the costs, for the smallest portion of such lands, becomes the purchaser thereof, and such portion of the land must be at once adjudged to him by the secretary-treasurer who sells such portion of the property as appears to him best for the interest of the debtor.

**1002.** The purchaser of any land or portion of land must pay the amount of his purchase money immediately upon the adjudication thereof.

In default of immediate payment the secretary-treasurer either at once puts up the land for sale or adjourns the sale

to the following or any other day within eight days, by giving all persons present notice of such adjournment in an audible and intelligible voice.

**1003.** If at the time of the sale no bid is made or if all the lands advertised cannot be sold on the first Monday in March, the sale must be adjourned to the following or any other day within eight days, in the manner set forth in the last provision of the preceding article.

**1004.** On payment by the purchaser of the amount of his purchase money, the secretary-treasurer sets forth, in a certificate made in duplicate and signed by himself, the particulars of the sale, and delivers a duplicate of such certificate to the purchaser.

The purchaser is thereupon seized and possessed of the land adjudged, and may enter into possession thereof, subject to the same being redeemed within the two years next following.

The purchaser, however, cannot carry off timber from such land during the first year he is in possession thereof.

**1005.** The corporation of the local municipality, in which the immovables put up for sale are situated, may bid at the sale of such immovables and may become the purchaser thereof, through the mayor or other person authorized by the council, without being held to pay in forthwith the amount of the purchase money.

**1006.** A list of lands sold under the provisions of this title, setting forth the name and residence of the purchaser and the price of the sale, must be transmitted by the secretary-treasurer of the county council to the office of every local municipality in which such lands are situated, within the fifteen days next after the adjudication; and the secretary-treasurer of the local council must, without delay, give special notice to the proprietors or occupants of such lands, of the sale thereof and of the particulars set forth in the list transmitted by the secretary-treasurer of the county.

**1007.** If within two years from the day of the adjudication, the land adjudged has not been bought back or redeemed according to the provisions of the following chapter, the purchaser remains the irrevocable proprietor thereof.

**1008.** Such purchaser, upon exhibiting the certificate of his purchase and upon proving the payment of all municipal taxes which, in the meantime, have become due thereon, is entitled, at the expiration of two years' delay, to a deed of sale from the corporation of the county municipality within the limits of which such land is then situated.

**1009.** The deed of sale is executed in the name of the corporation of the county, by the warden and by the secre-

tary-treasurer, in the presence of two witnesses who sign it, or in minute form before a notary.

**1010.** The deed of sale must be registered with due diligence, on the demand of the warden or of the secretary-treasurer.

**1011.** The costs of the deed of sale and of the registration thereof, are payable by the purchaser, and are exigible before the deed is signed.

**1012.** All the rights acquired by the purchaser pass to his heirs or legal representatives.

**1013.** The sale made under the provisions of this chapter is a title which conveys the ownership of the land adjudged, and it vests in the purchaser all the rights of the original owner and purges the land from all privileges and hypothecs whatsoever, to which it may be subject, except claims to seigniorial rights and to rents substituted therefor, and the amounts for which such land may be encumbered for the payment of municipal debentures issued in aid of railways and other public undertakings, either before or after the coming into force of this code; and except also, the rights of trustees for the amount of any assessment imposed on such land for defraying the cost of building or repairing any church, vestry, parsonage, or cemetery, provided that at least eight days before such sale, the chairman of the trustees has lodged with the secretary-treasurer of the county, whose duty it is to make such sale, a statement attested under oath, before a justice of the peace, and establishing the amount of such assessment for which the land is liable.

In all cases, however, in which the land in question has been adjudged and sold before the issue of letters-patent from the crown, such sale merely vests in the purchaser the right of pre-emption or other rights already acquired in relation to such land.

**1014.** If the land sold does not exist, the purchaser is merely entitled to recover the sum paid by him, with interest at the rate of fifteen per cent per annum.

If the adjudication or sale is declared null on any demand brought to set aside the same or in any other cause or contestation, the purchaser can only exact re-payment of the purchase money paid by him, together with the expenses of necessary repairs and of improvements which have increased the value of the land up to such value, unless he prefers to remove the same, with interest upon the whole amount reclaimed at the rate of fifteen per cent per annum.

**1015.** The action to annul a sale of land made in virtue of the provisions of this chapter, or the right of calling in question the lawfulness thereof, is prescribed by two years from the date of such adjudication.

This right may be exercised by the creditor before any

competent court in any manner which he deems desirable, article 100 of this code to the contrary notwithstanding.

**1016.** If any land described in the list published under article 999 is advertised to be sold by the sheriff, the secretary-treasurer of the county council cannot sell such land, but must, without delay, transmit to the sheriff a statement of the sums due for taxes and cost of advertising, on account of such land, which sums are paid out of the proceeds arising from the sale made by the sheriff.

**1017.** Nevertheless if on the first Monday of March the proceedings of the sheriff on the sale have been discontinued, the secretary-treasurer may sell the land in the usual manner.

**1018.** The municipal corporation, in the interest of which the sale of any land by the secretary-treasurer of the county ought to be made, may, in the case in which such land is advertised to be sold by the sheriff, and the proceedings are suspended, intervene in the cause and ask and obtain the adoption of any step having for object the rendering of a final judgment.

**1019.** The demand to set aside or to annul the sale made in virtue of these provisions and any action to enforce any claim arising from such sale can be instituted only against the municipal corporation, the council or officers of which are in default.

**1020.** The sale made under the authority of the provisions of this title may be rescinded and annulled, with the consent of the municipal corporations interested, the owner and the purchaser.

**1021.** No land sold in default of payment of taxes, under the authority of the provisions of this title, can be resold under the authority of the same provisions in the month of March of the following year.

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## CHAPTER SECOND.

### REDEMPTION OF LANDS ADJUDGED.

**1022.** The owner of any land sold under the provisions of the preceding chapter, may, within the two years next following the day of the adjudication, redeem the same, by reimbursing to the secretary-treasurer of the council of the county municipality in which such land is situated, the amount laid out for the purchase of such land, with interest, at fifteen per cent per annum, every fraction of a year being reckoned as a year.

**1023.** Any person, whether authorized or not, may redeem or recover such land in the same manner, but only

in the name and for the benefit of the person who was the proprietor thereof at the time of the adjudication.

When the redemption is made by a person not specially authorized, the secretary-treasurer, in the receipt which he gives in duplicate, sets forth the names, quality and domicile of the person who effected the redemption.

Such receipt entitles the person mentioned therein to be reimbursed the amount paid by him with interest at the rate of eight per cent, and secures him a privileged hypothec, ranking next after municipal taxes, on the land in question, for the reimbursement of such money, after being registered in the proper registration division, any provisions contained in articles 1994 and 2009 of the civil code to the contrary notwithstanding.

**1024.** The secretary-treasurer must, within fifteen days after the redemption is effected, give special notice thereof to the council of the local municipality in which such land is situated and to the purchaser, and, on demand, remit to the latter the amount paid into his hands, less two and a half per cent on the purchase money, for his fees.

**1025.** The purchaser may compel the owner, or the person who redeems the land in the name of the owner, to indemnify him for all useful repairs and improvements made by him on the land so redeemed, unless he removes the same, and also to reimburse him the amount of the taxes paid, and of the public or municipal work performed on account of such land, with interest on the whole at the rate of fifteen per cent per annum, every fraction of a year being reckoned as a year.

This claim bears a privilege in favor of the purchaser upon the land in question.

The purchaser may retain possession of the land redeemed until payment of such claim.

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## BOOK THIRD.

### SPECIAL PROCEEDINGS

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#### TITLE FIRST.

#### EXECUTION OF JUDGMENTS RENDERED AGAINST MUNICIPAL CORPORATIONS.

**1026.** Whenever a copy of a judgment, condemning a municipal corporation to pay a sum of money, has been

served at the office of the council of such corporation, the secretary-treasurer must forthwith pay the amount thereof out of the funds at his disposal, on the authorization of the council or of the head of the council, according to the rule laid down in article 160.

**1027.** If there are no funds, or if those at the disposal of the secretary-treasurer are not sufficient, the council must, immediately after the service of the judgment of the court, order the secretary-treasurer, by a resolution, to levy on the taxable property of the municipality, liable for such judgment, a sufficient sum to pay the amount due with interest and costs.

**1028.** The court which rendered the judgment may, on petition, presented either in term or in vacation, grant, from time to time, to the municipal council, any delay which it deems necessary to levy the amount of money required.

**1029.** If the judgment has not been satisfied within two months after the service thereof at the office of the council, or at the expiration of the delay granted by the court or agreed upon by the parties, the person in whose favor such judgment was rendered, or his attorney, may, on producing the return of the service of such judgment at the office of the council, and on a requisition in writing for such purpose, obtain the issue of a writ of execution from the court against the corporation in default, returnable before the same tribunal, so soon as the amount of the judgment and costs has been levied.

**1030.** Such writ is attested and signed by the clerk or prothonotary, sealed with the seal of the court, and addressed to the sheriff of the district in which such municipality is situated, who is enjoined by the same among other things :

1. To levy from the corporation, with all possible despatch, the amount of the debt with interest and costs of the judgment as well as of the execution ;

2. In default of immediate payment by the corporation,

To apportion the sums to be levied on all the taxable property in the municipality liable for such judgment, in proportion to its value as it appears by the valuation roll, with the same powers and obligations and under the same penalties as the councils and the secretary-treasurers to whom he is by right substituted for the levying of such money,

If the judgment has been rendered against a county corporation, to make forthwith an apportionment on all the local corporations of the county, and to transmit immediately a copy to the office of the council of each of such corporations,

To prepare without delay, and at the same time as the apportionment in the case mentioned in the preceding pro-

vision, according to the rules prescribed by article 955, a special collection roll for each local municipality in which money must be levied under the authority of such writ,

To publish such special roll, in the municipality, in the manner required by article 960,

To exact and levy the amounts entered on the special collection roll, in the manner and within the delays prescribed by articles 960 and 961,

In default of the payment of such amounts by the persons who are bound so to do, to levy the same with costs, on their movable property, in the manner prescribed by articles 962 to 970 inclusive,

To sell the real estate liable for such amounts, in default of their payment, on the first Monday of the following March in the manner and according to the rules laid down in the foregoing title, after having given the publications and notices required by the provisions of the same title.

3. To make a return to the court of the amount levied and of his proceedings, as soon as the amount of the debt, interest and costs has been collected, or from time to time as the court may order.

**1031.** The sheriff is bound to execute without delay, either personally or by his officers, all the injunctions of such writ or of any other order subsequently issued by the court whose officer he still remains.

**1032.** The sheriff has free access to the registers, valuation rolls, collection rolls and other documents deposited at the office of the council of every municipality in which he must levy money, and he may demand the services of the municipal officers of such council under the ordinary penalties.

**1033.** He must take possession of all the valuation rolls and other documents which are necessary to him in the execution of the judgment and orders of the court.

On the refusal or neglect of the municipal council or its officers to deliver up such documents, he is authorized to take possession thereof.

**1034.** If it is impossible for the seizing officer to obtain the valuation rolls, which should serve as a basis for the collection of the moneys, or, if there are no such valuation rolls, the sheriff must without delay proceed to make a valuation of the taxable property liable for such judgment; and he is authorized to base the apportionment or the special roll for the collection of the moneys to be levied, on such valuation, as if it were the valuation roll in force for such municipality.

The costs incurred in making such valuation as taxed by the court from which the writ issued, form part of the costs of execution, and are recoverable from the local corporations in default.

**1035.** The sale and adjudication of real estate by the

sheriff, in default of payment of the amount specified in the collection roll made by him, have no other effects than those mentioned in the preceding title.

The deed of sale of the land is given by the warden of the county municipality in which such land is then situated, in the manner prescribed in the preceding title, at the expiration of two years, if the redemption of the same has not in the meantime been effected.

**1036.** The fees, costs and disbursements of the sheriff are taxed at the discretion of the judge of the court from which the writ of execution issued.

**1037.** The sheriff must transmit a copy of his special collection roll, and any other list or document whereof he has taken possession, to the office of the council to which it belongs, after having levied the whole amount set forth in the writ of execution, together with interest and costs.

**1038.** Arrears due, in virtue of the apportionment or of the special collection roll of the sheriff, belong to the corporation, on behalf of which they ought to be levied, and may be recovered by such corporation, in the same manner as any other municipal tax.

If any surplus remains in the hands of the sheriff, it belongs to the corporation.

**1039.** If the corporation, against which any judgment has been rendered, ordering the payment of any sum of money, holds property in its own name, such property may be seized and taken in execution in the ordinary manner prescribed in the code of civil procedure.

**1040.** The sheriff may obtain from the court any order calculated to facilitate and ensure the complete execution of the writ which has been addressed to him.

**1041.** If any land advertised to be sold by the sheriff, under these provisions, is advertised to be sold on the same day by the secretary-treasurer of the county, the latter cannot sell the land, but must forthwith transmit to the sheriff a statement of his claim and costs, which statement must be added to the amount claimed by the sheriff and levied by him at the same time as such amount.

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## TITLE SECOND.

### RECOVERY OF PENALTIES IMPOSED IN VIRTUE OF THIS CODE.

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## CHAPTER FIRST.

### GENERAL PROVISIONS.

**1042.** Penalties imposed by municipal by-laws, or by the provisions of this code, are recoverable either before



the magistrate's court of the county or before the circuit court of the county or district, within the limits of which they have been incurred, or before any justice of the peace residing in the municipality, if there is one, if not, before any justice of the peace resident in a neighboring municipality in the district.

**1043.** All penalties incurred by the same person may be included in the same suit.

**1044.** Whenever, under the provisions of this code or of municipal by-laws, a penalty is imposed for each day during which the same are contravened, such penalty can be recovered for the first day only, unless special verbal or written notice has been given to the person contravening the same. If such notice is given, the penalty may also be recovered for each day thereafter on which such contravention continued.

**1045.** Every suit for the purpose of recovering such penalties must be begun within six months from the date when they were incurred, after which period the same cannot be brought.

**1046.** Such prosecution may be brought by any person of age in his own name, or by the head of the council in the name of the municipal corporation.

**1047.** Any suit brought in virtue of the provisions of this title may be decided on the oath of one credible witness.

**1048.** Penalties recovered in virtue of municipal by-laws or the provisions of this code, belong, unless it is otherwise provided, one-half to the prosecutor, and the other half to the municipal corporation.

If the prosecution has been brought in the name of the corporation, the penalty belongs wholly to the corporation.

If the penalty is due by the corporation, it belongs wholly to the prosecutor

**1049.** In default of payment of the fine inflicted by the court, and the costs, within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for any time not exceeding thirty days, which imprisonment ends, however, on payment of the sum due.

Such imprisonment discharges the person who undergoes it from the obligation of satisfying the judgment against him.

**1050.** The plaintiff or the complainant, whose demand or complaint has been dismissed with costs, is bound to pay the costs, under penalty of imprisonment in the manner and within the delay prescribed in the preceding article.

**1051.** Articles 1045, 1046, 1048, 1049, and 1050, do not apply to suits brought to recover moneys which, according to the provisions of this code, may be recovered in the same manner as the penalties imposed by this code.

## CHAPTER SECOND

## OF PROSECUTIONS BEFORE JUSTICES OF THE PEACE.

**1052.** Prosecutions brought before justices of the peace, in virtue of article 1042, are heard and decided by them, according to the usual rules of procedure laid down respecting summary orders and convictions, except in so far as the same are inconsistent with the provisions of this title.

**1053.** Such suits need not be begun by the affidavit or deposition on oath of the plaintiff or complainant, provided always that the purport of the complaint or demand is sufficiently set forth in the writ or in a declaration annexed thereto.

**1054.** The record of every suit must be remitted by the person in whose custody the same is, to the justice of the peace, upon his order, in cases where there is an appeal from the judgment to the circuit court.

**1055.** There must be an interval of at least two juridical days between the day of the service of the summons and that of the return.

**1056.** On the day of the return of the summons or of the warrant, the justice of the peace who has signed the summons or the warrant, may hear and decide the case alone.

He may nevertheless require the assistance of any other justice of the peace having jurisdiction within the district.

**1057.** The returns of service made by a bailiff are given under his oath of office.

**1058.** The justice of the peace or the clerk must take notes of the important parts of the evidence.

These notes signed by the sitting justice of the peace are part of the record.

**1059.** The judgment of the court may be executed at the expiration of fifteen days from the date thereof.

**1060.** Any constable or police officer may, and must, if he is so required by the head or by any other member of the council, or by the council itself, apprehend or arrest at sight all persons found contravening the provisions of any municipal by-law punishable by fine, if it is so ordered by the by-law, and bring them before any justice of the peace to be dealt with according to law.

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TITLE THIRD.

## APPEALS TO THE CIRCUIT COURT.

**1061.** An appeal lies, to the circuit court of the county or of the district:

1. From every judgment rendered by justices of the peace, in suits brought under the provisions of this code or of municipal by-laws;

2. From every decision given by a county council respecting any *procès-verbal* made and homologated or any act of apportionment amended under the authority of such council, sitting otherwise than in appeal.

**1062.** The right of appeal also exists from every decision given by a board of delegates under any form whatever, to the circuit court of the county, sitting in one of the counties the corporation whereof the delegates represent or to the circuit court of the district. If the municipalities represented by the delegates are situated in more than one district, an appeal may be brought to the circuit court of any of such districts.

**1063.** The word judgment employed in the following provisions of this title includes also the decisions rendered by a county council or a board of delegates.

**1064.** The party who desires to appeal therefrom, must within ten juridical days after the judgment is rendered:

1. Give an ordinary notice of such intention to the justice of the peace or to one of the justices of the peace who rendered such judgment, or to their clerk, or at the office of the council if a decision of a county council is in question, or to the secretary of the board of delegates, if the appeal is from a decision of such board;

2. Furnish, before the clerk of the court where the appeal is brought, good and sufficient security to effectively prosecute the said appeal, to satisfy the judgment and to pay the damages awarded, and costs incurred, as well of the inferior court, the council, or the board of delegates, as in appeal, in the event of the judgment being confirmed.

**1065.** Sureties must, to the satisfaction of the clerk, justify their sufficiency, to the amount of at least one hundred dollars, over and above all debts, and under oath, if the clerk deems proper.

One surety is sufficient.

**1066.** The appeal is brought before the court by means of a writ of appeal, signed by the clerk, setting forth that the appellant complains of having been aggrieved by the judgment appealed from, and commanding the justice of the peace or one of the justices of the peace by whom such judgment was rendered, or their clerk, or the office of the council if a decision of a county council is in question, or the secretary of the board of delegates if the appeal is from a decision of such board, to transmit the record in the cause.

**1067.** A copy of the writ of appeal certified by the clerk or by the appellant's attorney together with a notice of the day when it will be presented to the court, must be served within the fifteen days next after the rendering of

the judgment, on the respondent or his attorney, and on the justice of the peace, or on one of the justices of the peace, who rendered the same, or on their clerk, or at the office of the council if the decision of a county council is in question, or on the secretary of the board of delegates if the decision of such board is in question.

**1068.** Between the day of such service and that fixed for presenting the petition in appeal to the court, the justices of the peace, or the secretary-treasurer or secretary, as the case may be, must transmit the record in the case to the clerk of the circuit court, with a certificate testifying that the documents transmitted are all the papers, documents and evidence relating to the case.

**1069.** The execution of the judgment from which an appeal has been instituted is suspended until the decision of the circuit court, if a copy of the writ of appeal has been served, within the prescribed delay, upon the justices of the peace, or upon their clerk, or at the office of the council if the appeal is from a decision of a county council, or upon the secretary of the board of delegates if one of their decisions is in question; in default thereof the judgment may be carried into effect.

**1070.** The writ of appeal must be returned to the circuit court on or before the first juridical day of the term following the expiration of the twenty days after the judgment was rendered, in default thereof the appeal lapses.

The appellant must produce on the day of the return of the writ of appeal, together with a return of the bailiff establishing the necessary services, a petition setting out summarily the title of the cause, the date of the judgment, the notice given, the security furnished, the grounds of appeal, with conclusions praying for the setting aside of the judgment and for the rendering of that which ought to be rendered.

**1071.** The appeal is heard and decided in summary manner, and no fresh witnesses can be heard unless the appeal is from the decision of a county council or board of delegates.

**1072.** The judgment can be set aside only when a substantial injustice has been committed, and never by reason of any trifling variance or informality.

If objections are raised which do not effect the merits of the cause, the court may amend the procedure, which is thereupon executed as though it had been regular in the first instance.

**1073.** If the judgment is confirmed, the record in the cause together with a copy of the judgment deciding the appeal and a certificate of the costs allowed on the appeal, must be transmitted without delay to the court below, under the authority of which all the costs incurred, including those in appeal, are levied.

If the decision from which the appeal has been instituted has been rendered by a county council, or by a board of delegates, the costs are levied under the authority of the court which pronounced on such appeal.

**1074.** If the judgment is modified in whole or in part, the record and all the procedure remain in the archives of the circuit court, save in the case of article 1079, and the judgment pronouncing on the appeal is carried into effect under the authority of such court.

**1075.** Every appellant who neglects to make the service required by article 1067, or, who having made the same, neglects effectually to prosecute the appeal, is deemed to have abandoned such appeal, and the court, on application by the respondent, must declare all the rights and claims founded on the said appeal, forfeited with costs in favor of the respondent, and orders the transmission of the record to the court below.

**1076.** The sureties are bound to satisfy the judgment, under penalty of seizure and execution, and in the same manner as the principal party, fifteen days after service of the judgment upon them.

**1077.** No appeal lies under the provisions of this title from any judgment rendered by any judge of the superior court or any district magistrate respecting municipal matters.

**1078.** No judgment, decision or conviction susceptible of appeal under this title, and no judgment or conviction rendered by a district magistrate, can be removed by *certiorari* to the superior or circuit court.

**1079.** All the documents produced by the county council or by the board of delegates must be transmitted to them after the judgment in appeal is rendered, together with a copy of such judgment.

#### *Exceptional Provisions.*

**1080.** In the municipality of the town of Sherbrooke, in the local municipalities of the counties of Compton, Stanstead, Brome, Missisquoi, Huntingdon, and Richmond, excluding therefrom the municipality of St. George of Windsor, and in those of the county of Shefford, excluding the municipalities of Milton and Roxton, all works on municipal roads and bridges are executed at the expense of the corporation in the same manner as if a by-law was passed to that end under article 535.

The councils of these municipalities may, by a by-law or resolution, ordain that the tax imposed for such works be commutable into statute labor according to a scale or tariff at a fixed rate.

**1081.** The councils of the following local municipalities

possess the functions and powers conferred upon county councils, in addition to those conferred upon local councils, and they do not form part of the county municipalities within which they are situated :

The municipality of Ste. Anne des Monts, and

The municipality of the Magdalen Islands, in the county of Gaspé ;

The township of St. John,

The municipality of Hébertville,

The municipality of Roberval, and every municipality formed hereafter to the west of the townships of Kenogami and Lartigue, in the county of Chicoutimi, so long as there are not five municipalities to the west of such limits ;

The municipality of Tadousac, and the municipality of Escoumins, in the county of Saguenay ;

The municipality of l'Isle aux Coudres, in the county of Charlevoix ; and

The municipality of Crane Island, in the county of Montmagny.

As soon as five municipalities shall have been formed in that part of the county of Chicoutimi, to the west and south-west of the townships of Kenogami and Lartigue, such five municipalities and those which may be formed subsequently to the west and south-west of such limits, shall compose the county council No. 2 of the county of Chicoutimi ; and all the municipalities situated to the north, the east and the south-east of such limits shall compose the county council No. 1 of Chicoutimi, the municipalities which shall be hereafter formed to complete the number five above-mentioned, must be established by the Lieutenant-Governor, on petition to that effect.

**1082.** The council of the municipality of the parish of St. Romuald of Etchemin possesses all the powers conferred on the council of a village municipality, in addition to those of a council of a parish municipality.

**1083.** Nothing contained in this code is deemed to repeal chapter sixty-two, 27-28 Victoria, conferring certain powers of a county council on the municipal council of the parish of St. Colomb of Sillery, in the county of Quebec.

**1084.** The municipality of the parish of St. Germain, in the county of Drummond, shall hereafter be known by the name of " the municipality of the Parish of St. Germain de Grantham."

**1085.** In the municipality of the Magdalen Islands, in the county of Gaspé, the poll for the general municipal elections in case of contestation, is not held on the day laid down in article 311, for the meeting of municipal electors, but is held on the fourth Monday, in the month of January, at ten o'clock in the forenoon, and on the following day, in the case set forth in article 322.

In addition to the poll held at Amhurst Harbour, the chief-place of the municipality, a poll must be held for the same purpose at each of the following places, at Etang du Nord in Grindstone Island, at House Harbour in All Right Island, and one in the Island known as Grosse Isle.

These additional polls are held by persons appointed for each election by the council. Such persons have the same rights and powers, and are subject to the same obligations and penalties as the presiding officer at an election.

The electors can only vote at the poll held in the Island in which they are domiciled or at the poll assigned to them in virtue of the following provision.

The inhabitants of Entry Island vote at the poll at Amhurst Harbour, those of Wolf Island at the poll at House Harbour, and those of Coffin and Bryon Island, at the poll at Grosse-Isle.

The provisions of this article apply also in the case of a by-law being submitted for the approval of the municipal electors.

#### *Final Provisions.*

**1086.** Chapter twenty-four of the consolidated statutes for Lower Canada and all amendments thereof;

Every municipal act, whether special or general, and its amendments, respecting corporations and municipalities, whether of a county, of a parish, of a separated township, of united townships, of a part of a parish or township, of a village, or of a town, save and except the cities and towns exempted under article 1;

Chapter twenty-five of the consolidated statutes for Lower Canada, chapter eighty-four of the consolidated statutes of Canada, sections seventy-five, seventy-six and seventy-seven of chapter sixty-six of the consolidated statutes of Canada, chapter eighteen of the statutes of the heretofore province of Canada, 27-28 Victoria, and chapter twenty-six of the consolidated statutes for Lower Canada, intituled: "An act respecting abuses prejudicial to agriculture" and its amendments, in so far as they relate to corporations governed by this code;

And all other laws of the province in force at the time of the coming into force of this code, are repealed in all cases:

In which there is a provision therein having expressly or impliedly that effect;—in which such laws are contrary to or inconsistent with any provision herein contained;—and in which express provision is herein made upon the particular matter to which such laws relate.

Except always that as regards transactions, matters and things anterior to the coming into force of this code, and to

which its provisions could not apply without having a retroactive effect, the provisions of law, which, without this code, would apply to such transactions, matters and things remain in force and apply to them, and this code applies to them only in so far as it coincides with such provisions.

**1087.** This code shall come into force on a day to be fixed by proclamation of the Lieutenant-Governor in Council; and it shall from such period, have force and effect, any law to the contrary notwithstanding, derogating thereby from section ten of chapter seven of the statutes of Quebec, passed in the thirty-first year of Her Majesty's reign, and shall be known and cited under the name of "The Municipal Code of the Province of Quebec."

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## APPENDIX.

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### FORMS.

*No. 1: Forms in connection with articles 108, 144, 174 and 366.*

#### OATHS OF OFFICE.

Province of Quebec,  
Municipality of

I, A. B., having been duly appointed (councillor, mayor, warden, secretary-treasurer, auditor, valuator, road inspector, rural inspector, *as the case may be*) of this municipality, make oath that I will well and faithfully discharge the duties of my office, according to the best of my judgment and ability. So help me God.

A. B.

Sworn this                      day of the month  
of                      18  
at (*place*) before me the undersigned  
(warden, mayor or justice of the peace.)

J. U.

---

Province of Quebec,  
Municipality of

We, A. B., C. D., E. F., G. H., having been duly appointed



(councillors, auditors, valuers, road inspectors, rural inspectors, *as the case may be*) of this municipality, make oath, each of us for himself, that we will well and faithfully discharge the duties of our office, according to the best of our judgment and ability. So help us God.

A. B.  
C. D.  
E. F.  
G. H.

Sworn, etc.

J. U.

*No. 2. Form in connection with article 224.*

SPECIAL NOTICE IN WRITING.

Province of Quebec,  
Municipality of

To

Joseph B.  
(*style*.)

Sir,

Special notice is hereby given you by the undersigned, L. M., *name and style of the undersigned*) that (*the object of the special notice*.)

Given this                      day of the month of  
eighteen hundred

his

L. M. (*style*.) or L. M.

mark affixed in presence of

N. O.

Witness.

*No. 8. Special Notice, convening a special session of the council, in connection with article 126.*

Province of Quebec,  
Municipality of

To

O. P., C. J., P. Q., M. N., etc., councillors,

Gentlemen,

Special notice is given you by the undersigned, A. B., (*warden or mayor or secretary-treasurer, or by the undersigned N. O. and C. D. councillors*) that a special session of the council of this municipality is hereby convened by me

(or by us) to be held at the usual place of the sittings of the council, on the (month) instant, (or next,) and that the following subjects will then be taken into consideration, viz.:

*(Orders of the Day.)*

Given this                      day of the month of  
eighteen hundred

A. B.    { N. O., councillor,  
          or    { C. D., councillor.  
(style,)

*No. 4. Notice of the adjournment of a session ; form in connection with article 139.*

Province of Quebec,  
Municipality of

To

O. P., councillor,

Sir,

Special notice is hereby given you, by me, N. F., secretary-treasurer, that the general (or special) session of this council, held on the                      has been adjourned from the absence of a quorum, until the                      , by D. E. and F. G., councillors, in conformity with article 139 of the municipal code of the province of Quebec.

Given this                      day of the month of  
eighteen hundred

N. F.,  
Secretary-treasurer.

*No. 5. Special notice given to several persons at once.*

Province of Quebec,  
Municipality of

To

O. P., councillor,  
C. J., councillor,  
P. Q., councillor,  
R. L., councillor,  
M. N., valuator, etc.

Gentlemen,

Special notice is hereby given you by me, N. J., (style,) that (object of the notice, etc.)

Given this                      day of the month of  
eighteen hundred

N. J.,  
(style).

**No. 6. Form in connection with articles 219 and 220, 226 and 260, or 280.**

**CERTIFICATE OF THE SERVICE OF A SPECIAL NOTICE  
IN WRITING.**

Province of Quebec,  
Municipality of

I, the undersigned, A. J., (style,) domiciled in (domicile) certify under my oath of office, that I served the special notice in writing on the other side hereof (or annexed to these presents) upon (name of the person to whom the notice is addressed) by personally delivering to himself a copy thereof,—or by delivering it unto a reasonable person of his domicile, or of his place of business,—or by delivering it unto R. S., his agent duly appointed, or to a reasonable person at the place of business of R. S., his agent duly appointed,—or by depositing a copy thereof, in the post office of this locality, in an envelope sealed (and registered, the postage prepaid, as the case may be)—or by affixing a copy thereof upon the door (or one of the doors) of his domicile, having found the doors closed, (or not having found any reasonable person in such domicile) between and o'clock in the , on day of the month of eighteen hundred

(If the notice is addressed to and served upon several persons, describe how it was served on each person.)

In testimony whereof, I give this certificate, this  
day of the month of                      eighteen hundred

his  
N. J., or N. & J.  
mark, affixed in presence of  
(style,) Y. Z.,  
Witness.

**No. 7. Form in connection with article 220.**

**CERTIFICATE UNDER SPECIAL OATH.**

Province of Quebec,  
Municipality of

I, the undersigned, P. T., (*style*) domiciled in (*domicile*) being duly sworn, do depose and say: that I served the within special notice in writing (*or the special notice in writing hereunto annexed*) upon (*as set forth in the preceding form.*)

In testimony whereof, I give this certificate, this       day  
of the month of       eighteen hundred

his  
P. T., or P. & T.  
mark, affixed in presence of  
(*style,*)       N. O.,  
Witness.

Sworn this       day of       18 }  
at (*place*) before me, the undersigned }  
Justice of the Peace (*or Warden, etc.*) }  
H. P.,  
Justice of the Peace.

*No. 8. Form in connection with article 232.*

PUBLIC NOTICE.

Province of Quebec,  
Municipality of

To (*the persons to whom notice is given.*)

Public notice is hereby given by N. B., (*style*) that (*the object for which notice is given, and time and place in which the persons summoned to comply with the notice must do so.*)

Given this       day of       eighteen hundred  
his

N. B., (*style,*) or N. & B.  
mark, affixed in presence of  
N. O.,  
Witness.

*No. 9. Form in connection with article 692.*

PUBLICATION OF A MUNICIPAL BY-LAW.

PUBLIC NOTICE.

Province of Quebec,  
Municipality of

To the inhabitants of the municipality of

Public notice is hereby given by A B, secretary-treasurer;



No. 11. *Form in connection with article 220.*

## CERTIFICATE OF PUBLICATION OF A SPECIAL NOTICE.

Province of Quebec,  
Municipality of

I, the undersigned, N. B., (*style*), domiciled in the parish of (*or the township of*), certify under my oath of office that I published the within public notice (*or public notice hereunto annexed*) by posting up a copy thereof, at each of the following places, viz: (*places where the notice was posted up*). (*If it was read in conformity with article 234, add: and by reading the same (or causing the same to be read) in a loud and distinct manner, at* at the close of divine service in the forenoon, on the day being the Sunday next after the posting of such notice as aforesaid.)

In testimony whereof, I give this certificate, this day of the month of eighteen hundred

N. B.  
(*style*.)

No. 12. *Certificate given under special oath.*

Province of Quebec,  
Municipality of

I, the undersigned, N. C., (*style*), domiciled in (*domicile*), being duly sworn, do depose and say that I have published the public notice hereunto annexed (*or the within public notice*), by posting up a copy thereof at each of the following places, viz: (*places where the notice was posted*). (*If the notice was read in conformity with article 234, add: and by reading the same, or causing the same to be read in a clear and intelligible voice, at the close of divine service on the day of the being the Sunday next after the day of the posting of such notice as aforesaid.*

In testimony whereof, I give this certificate, this day of the month of eighteen hundred

his  
N. C., or N.  $\propto$  C.

(*style*), mark, affirmed in presence of  
N. O.,  
Witness.

At a general session of the municipal council of [name of the parish or township] held at [place] in the said , on Saturday, the day of the month of eighteen hundred , in conformity with the provisions of the municipal code of the province of Quebec, at which

session were present Mr. mayor, A. B., and councillors C. D., E. F., G. H., forming a quorum, under the presidency of Mr. Mayor [or of C. D., in the absence of the mayor]; it is ordained and resolved by by-law of the council, as follows :

1. [*Provision of the by-law.*]
  2. *do.*
  3. *do.*
- [Seal,] A. B. or C. D.,  
Mayor, (president.)
- 

*No. 15. By-law of a council passed at a special session.*

By-law No.

Province of Quebec,  
Municipality of

At a special session of the municipal council of convened by [*name of the persons who have convened the session*] and held at [*place*] on Saturday, the            day of the month of            eighteen hundred            , in conformity with the provisions of the municipal code of the province of Quebec, at which were present, Mr. Warden (or Mr. Mayor,) A. B., and the councillors C. D., E. F., and G. H., forming the quorum of the council, under the presidency of Mr. Warden [or Mayor]; the other councillors I. J., K. L., and M. N., having, after examination, received notice of the convocation of such session ;

It is ordained and resolved by by-law of the council, as follows ; etc.

---

RESOLUTION OF THE COUNCIL.

No 16.—Form.

Province of Quebec,  
Municipality of

At a session, etc., [*same preamble as in the case of municipal by-laws, unto the following words :*]

It is ordained and resolved by resolution of the council, as follows :

1. (*Provisions of the resolutions.*)
  2. *ditto.*
- (Seal,) A. B., or C. D.  
(Warden or Mayor.) President.
-



## No. 17. Form in connection with article 149.

SURETY-BOND OF THE SECRETARY-TREASURER TAKEN  
*sous seing privé.*

Province of Quebec,  
District of  
County of

Whereas I, A. B., have been appointed secretary-treasurer of the municipal council of \_\_\_\_\_ in the district of \_\_\_\_\_, in the county of \_\_\_\_\_, and whereas, in conformity with the provisions of the municipal code of the province of Quebec, we, C. D. (*style and domicile*), and E. F. (*style and domicile*), have been approved of and accepted as the sureties of the said A. B., for the payment of all sums of money, for which he, the said A. B. may, in his quality of secretary-treasurer, be, by himself, or by any person for whom he is responsible, accountable towards the "corporation of (*name of the corporation*)" or towards any other person, including principal, interest and costs, as well as penalties and damages, to which he may become liable in the exercise of his office.

Know all men by these presents that we, the said A. B., C. D. and E. F., jointly and severally acknowledge ourselves firmly bound to repay and reimburse to "the corporation of (*name of the corporation*)" all sums for which the said A. B., by himself or by any person for whom he may be responsible, may, in the discharge of his office, become accountable towards the corporation or any other person, in principal, interest, costs, penalties or damages; and for surety of the payment of such sums well and truly to be made, we do specially hypothecate for the sum of \_\_\_\_\_ dollars the properties hereinafter mentioned, viz: the said A. B. a piece of land [*description of the immovable accepted by the council*] and the said C. D. a piece of land [*description of immovable*].

Now the condition of this surety-bond is, that if the said A. B., do at all times, well and faithfully discharge the functions and duties of the office of secretary-treasurer to which he has been appointed, and accounts for, pays, or hands over to the said corporation or to any other person, any sums of money for which he himself or any person for whom he is responsible, during the holding of his office, is accountable, towards such corporation or person, in principal, interest, costs, penalties or damages, then this bond shall be null; otherwise it shall remain in full force and virtue.

Witnesses: }  
(Names of witnesses) }  
G. H. }  
T. T. }

A. B.  
C. D.  
E. F.

## OATHS OF SPECIAL CONSTABLES.

No. 18. Form.

I, A. B., do swear that I will well and truly serve our Sovereign Lady the Queen in the office of special constable for the \_\_\_\_\_ of \_\_\_\_\_ without favor or affection, malice or ill-will; and that I will, to the best of my power, cause peace and good order to be kept and prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof according to law: So help me God.

A. B.

Sworn, &amp;c.

## WARRANTS.

No. 19 *Form in connection with article 963.*

## WARRANT OF SEIZURE FOR MUNICIPAL TAXES.

Province of Quebec,  
Municipality of \_\_\_\_\_

The Corporation of \_\_\_\_\_

vs.

A. B., (*name of the rate-payer indebted, his style and domicile.*)

To J. S., (residence) one of the bailiffs of the Superior Court of the province of Quebec, acting in the district of \_\_\_\_\_

Whereas the said A. B. has been required, by the secretary-treasurer of the municipal council of \_\_\_\_\_, to pay into his hands, on behalf of the corporation of \_\_\_\_\_, the sum of \_\_\_\_\_, being the amount by him due to the said corporation for municipal taxes, as appears by the general (*or special*) assessment roll published by the said secretary-treasurer, by notice given on the \_\_\_\_\_ day of the month of \_\_\_\_\_ eighteen hundred \_\_\_\_\_; and whereas the said A. B. has neglected or refused to pay to the secretary-treasurer, within the delay required by the municipal code of the province of Quebec, the said sum of \_\_\_\_\_ dollars, &c., these are therefore to command you to seize, without delay, the goods and chattels of the said A. B., which are found within the limits of the municipality;



**No. 21. Warrant of distress in virtue of a by-law made under article 599.**

Province of Quebec,

The Corporation of

vs.

A. B.,

To J. S., (*residence*) one of the bailiffs of the Superior Court of the province of Quebec, acting in the district of

Whereas in and by a certain by-law made and passed by the municipal council of at a session of the said council, held at (*place*) on day, the day of eighteen hundred in conformity with the provisions of the municipal code of the province of Quebec, it was ordained (*here insert the part of the by-law which has been infringed*).

And whereas, certain persons did lately, to wit; on the day of (*instant or now last past*) hold (*or give, as the case may be,*) a (*here state the nature of performance or exhibition*); and whereas A. B. being (*the proprietor, etc., as the case may be,*) (*here insert the connection such person may have with the performance or exhibition,*) has been required by the secretary-treasurer of the said municipal council, to pay into his hands for and on behalf of the said corporation, the sum of being the amount of tax imposed on every such (*performance or exhibition*); and whereas the said A. B. has neglected or refused to pay unto the said secretary-treasurer, on his said demand, the said sum of lawfully imposed on the said (*performance or exhibition,*) as aforesaid; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B., and of all and every the goods and chattels appertaining to the said (*performance or exhibition,*) or of all or any of the persons connected with such (*performance or exhibition*); and if within the space of days after the making of such distress, the said mentioned sum, together with the reasonable costs and charges of taking and keeping the said distress are not paid, that then you do sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the secretary-treasurer of the said municipal council, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern; and if no such distress can be found, then that you

certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under my hand at \_\_\_\_\_ in the said district, this  
day of \_\_\_\_\_ eighteen hundred

Y. X.,  
Mayor.

Any other warrant of distress executory *instantier*, may be served in the same form as the above, by changing the allegations of circumstance therein.

## No. 22. FORM OF DEBENTURES.

Municipality of the (*as the case may be.*)

No.

cy. (*or*) stg.

This Debenture witnesseth that the corporation of (*as the case may be,*) under the authority of the Municipal Code of the province of Quebec "has received from (*name*) of (*domicile, profession or occupation*) the sum of \$  
cy. or stg., as a loan to bear interest from the date hereof  
at the rate of \_\_\_\_\_ per centum per annum  
payable half yearly on the \_\_\_\_\_ day of \_\_\_\_\_ and  
at \_\_\_\_\_ which sum of \_\_\_\_\_ the  
said \_\_\_\_\_ as a municipal corporation, hereby binds and  
obliges itself to pay on the \_\_\_\_\_ day of \_\_\_\_\_ at  
\_\_\_\_\_, to the said \_\_\_\_\_, or to the bearer  
hereof, and to pay the interest thereon half yearly as afore-  
said according to the *coupons* or interest warrant hereto  
attached.

In testimony whereof I \_\_\_\_\_ warden or  
mayor of the said corporation being hereunto duly  
authorized have hereunto affixed the common seal of  
the municipality at \_\_\_\_\_ in the said (county,  
parish, city, &c., of \_\_\_\_\_) on this  
day of \_\_\_\_\_ in the year of Our Lord, one thousand  
eight hundred and \_\_\_\_\_

Mayor.

Secretary-Treasurer.

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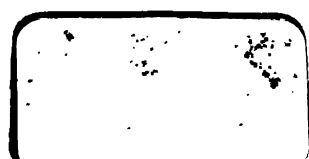
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the 1990s, the number of people with a mental health problem has increased by 50% (Mental Health Foundation, 2000).

There is a growing awareness of the need to address the needs of people with mental health problems, and a number of initiatives have been developed to improve the lives of people with mental health problems. The Mental Health Act 1983 was amended in 1995 to give people with mental health problems more control over their own lives. The Mental Health Act 1995 was introduced to give people with mental health problems more control over their own lives. The Mental Health Act 1995 was introduced to give people with mental health problems more control over their own lives.

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